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No. 98-1648

In the Supreme Court of the United States

GUY MITCHELL, ET AL., PETITIONERS,

v.

MARY L. HELMS, ET AL., RESPONDENTS.

On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

JOINT APPENDIX

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PETITION FOR CERTIORARI FILED APRIL 13, 1999
CERTIORARI GRANTED JUNE 14, 1999

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUSIANA

Mary L. Helms, et al. v. Thomas G. Clauson, et al., No. 85-5533

Relevant Docket Entries

Docket No.	Date	General Description
1	12/02/85	Complt; issd (15) summs; (3) lgarms
25	05/28/86	Oppos to pltfs' Mtn for Class Certification by U.S. Dept of Educ. and William J. Bennett.
27	06/05/86	M.E. 6-4-86: Hrg on Mtn of pltf for Class Certification – CONTD W/O DATE. (FJRH) dktd 6-5-86.
45	09/29/86	M.E. 9-24-86; Hrg on mtn by Intervenor-defts for leave to intervene – GRANTED. (MAG CHASEZ) DKTD 9-29-86.
56	01/15/87	M.E. 1-14-87; Hrg on obj to the U.S. Mag's order allowing intervention and mtn for appeal and review of Mag's order – Obj and mtn for appeal and review – DENIED Mag's Order granting intervention – AFFIRMED. (FJRH) DKTD 1-15-87
115	12/14/88	ANSWER of Federal defts, the U.S. Dept of Education & its Secretary Lauro P. Cavazos to 2nd Amended & supplemental complt
118	12/28/88	Pltfs' 2nd amended & supplemental complt; no new ptys added.

Docket No.	Date	General Description
122	01/04/89	Mtn by intervenor, Juanita Cole to withdraw as intervenors; Hrg set 1/25/89 at 10: A.M. bfr Judge.
123	01/05/89	Pltfs' amended ntc of dep of Barbara Adams & Edna Byrne on 1/3/89; Myra Robinson, Gary Lola, John Austin on 1/4/89; Mike Mercola, Dale Boudreauz, Sammy Genco; svd 1/5/89; George Horne, Cathy Galley on 1/6/89; Elton Lagasse, Henry Hoppe, Francisco S. Davis, Juanita Cole, Gary Mitchell, Earline Castillion on 1/10/89; Emile Comar, Kirby Ducote on 1/11/89; Dan K. Lewis, 1/12/89; Barbara Garland, Janice Janz on 1/13/89; Allen J. King on 2/6/89; Zulla Toneyon 2/7/89; Tom Fagan on 2/8/89; Cleveland Jennings on 2/21/89; Brenda Hatfield on 2/22/89; Stephanie DeSelle & Bonnie Brown on 2/23/89; Morris East & Sue A. Cromwell on 2/24/89.
126	01/11/89	Mtn by USA & ORDER that name of April Snellgrove be placed as additional counsel for State of La. (FJRH) 1/12/89 dktd 1/12/89.
133	02/02/89	ANSWER of Wilmer Cody, La. State Board of Education & Mary Landreau to pltf's 2nd amended & suppl complt.
135	02/13/89	ANSWER by Federal defts to 2nd & suppl complt.
143	06/01/89	Pltf's ntc of dep of Robert Wolfe, Mary Cerise, Jean Douglass, Katherine Simpson, Pat Farris on 6/19/89, Dorothy

Docket No.	Date	General Description
		Carson, Jaclynn Welsch, Gregory Paul Welsch, on 6/20/89; Howard Jenkins, Joseph Peychaud, Jim Campbell, Rev Phil Postell, Alvin L. Murphy, Tom Becker, John F. Exnicios on 6/21/89; Elizabeth Borel, Louis Schewe, Joe Burris, Kirby Ducote; 6/22/89; Craig A. Luscombe, Mickie Marchiafava, Bernie Tate, David Hamilton & Dan Lewis on 6/23/89.
148	06/29/89	Mtn by intervenor, Dorothy Carson & ORDER to withdraw as intervenor in case is GRANTED. (FJRH) 6/30/89 dktd 6/30/89.
150	06/30/89	Mtn by all pltfs & all state, Jeff Parish & federal defts & ORDER that outstanding disc responses to req for admissions, req for prod of docs & interrogs due before 7/1/89 will not be due until 7/14/89. (FJRH) 7/5/89 dktd 7/6/89.
152	07/12/89	Mtn by Federal Defts & ORDER that same is GRANTED to serve their responses to disc on or bfr 7/21/89. (FJRH) 7/13/89 dktd 7/14/89.
153	07/14/89	Mtn by Wilmer Cody, Mary Landrieu & La State Board of Education & ORDER that same are GRANTED an extension of time until 7/21/89 to file responses to pltfs' request for admissions, request for production of documents & interrogs, to amend said defts' 1st supplemental & amending answer & enroll co-counsel of record in case. (FJRH) dktd 7/18/89.
154	07/19/89	Joint Mtn & ORDER to enlarge the

Docket No.	Date	General Description
		deadlines for filing & responding to mtns for summ judg good cause is GRANTED: Further ORDERED that deadline for filing mtns for summ judg & supporting exhibits & memo is enlarged from 8/1/89 to 8/11/89; Further ORDERED that deadline for filing memo & exhibits in opp to mtns for summ judg is enlarged from 8/29/89 to 9/9/89 & further ORDERED that deadline for filing reply memo in support of mtns for summ judg is enlarged from 9/22/89 to 10/2/89. (FJRH) dktd 7/20/89.
158	07/20/89	Mtn by Federal def & ORDER that same's is GRANTED an unopposed extension of time to respond pltfs' request for admissions, interrogs & second request for production of documents until 9/4/89. (FJRH) 7/21/89 dktd 7/24/89.
161	08/04/89	Mtn by federal defts & ORDER granting movers extension of time until on or before 8/18/89 to file their responses to pltfs' req for admissions, interrogs & 2nd req for production of docs. (FJRH) 8/7/89 dktd 8/8/89.
163	08/11/89	Mtn by Federal Defts for summ judg. No hrg set.
164	08/11/89	Mtn by Intervenors for summ judg. No Hrg Set.
165	08/11/89	Pltfs' mtn for summ. Judg. No Hrg set.
166	08/14/89	State defts' mtn for partial summ judg. No hrg set.

Docket No.	Date	General Description
170	09/14/89	Joint mtn & ORDER that the deadline for serving opp to mtns for summ judg be enlarged from 9/15/89 to 9/29/89 & that the deadline for serving reply memo in suppt of said mtns be enlarged from 10/2/89 to 10/20/89. (FJRH) dktd 9/15/89.
175	09/29/89	Pltfs' memo in oppos to Intervenors' & defts' mtn for summ judg.
176	09/29/89	M.E. (9/26/89) Settle conf was held on 9/22/89; pltf is ORDERED to sub plan to defts re: lunch program in Jeff Parish School system & possible modification of same to conform w/1st Amendment by 10/6/89; Also by 10/6/89 pltf to sub plan to defts re: suggested locations for spec education programs; On or bfr 9/29/89 pltfs to notify defts if they are seeking relief of nationwide significance of various of Chapt 2 issues or if parameters limited to Jeff Parish etc; defts to sub plan on Chapt 2 iss to pltf on or bfr 10/16/89 after geographic constraints established; pltf to sub plan to defts on iss of transportation on or bfr 11/1/89; furth conf is set for 10/13/89 at 1:00 p.m. (MAG CHASEZ) dktd 9-29-89.
177	10/02/89	Memo by defts in opp to ptlfs' mtn for partial summ judg.
178	10/02/89	Memo by intervenors in opp to Pltf's mtn for partial summ judg & in support of intervenors' cross-mtn for summ judg on ptlfs' chapter 2 claims.

Docket No.	Date	General Description
179	10/04/89	Federal dfts opp to pltfs' mtn for partial summ judg & memo in support of Cross mtn for summ judg.
180	10/04/89	Federal defts cross mtn for summ jdmg on chapter 2, No hrg date set.
181	10/05/89	Opp by Wilmer Cody, Mary Landrieu, LA. State Treasurer & The Board of Elementary & Secondary Education to the partial Mtn by pltfs for summ judg.
185	10/26/89	Reply memo by intervenors in support of their mtn for partial summ judg.
186	10/26/89	Pltfs' memo in reply to Mtn by defts & intervenors' answer to pltf's mtn for summ judg & answer to cross mtns.
187	10/26/89	Memo by William J. Guste, Jr. on behalf of Wilmer Cody, Superintendent of LA Dept of Education, Mary Landrieu, La. State Treasurer & The Board of Elementary & Secondary Education to opp filed by Mary L. Helms, Louise Schneider & Esperanza Titol.
190	10/31/89	Reply by federal dfts to pltfs' opp to same's mtn for summ judg on Chapter 2.
191	11/03/89	Pltfs' response to Federal Deft's mtn to file reply brief & pltfs' mtn to strike federal deft's & intervenors' cross-mtn on chapter 2 and accompanying statements of undisputed facts & ORDER denying same. (MAG CHASEZ) 11/21/89 dktd 11/22/89.

Docket No.	Date	General Description
192	11/08/89	Opp by intervenors to plts' mtn to strike intervenors' cross motion for summ judg on the chapter 2 claims & pltfs' mtn for leave to file an untimely statement of disputed issues.
193	11/08/89	Opp by federal defts to pltfs' mtn to strike federal dfts' cross mtn on chapter 2 & to pltfs' mtn to file a statement of disputed issues in response to Federal dfts' statements of undisputed facts on chapter 2.
202	12/19/89	M.E. 12/13/89: Hrg held this date on pltfs' mtn for summ judg – Matter CONT to be reset. (FJRH) dktd 12/19/89.
204	01/23/90	ANSWER by Jefferson Parish School Board, Russell Protti, Henry Hoppe, Robert Wolfe, Robert Autin, Delton Charles, Martin Marion, Elton Lagasse & Dewey Spies to Pltfs' 2nd amended complt & crossclaim by same agst Louisiana State Board of Elementary & Secondary education & Louisiana State Department of Education; 1 sms issd.
220	03/27/90	ORDER & REASONS – that pltfs' mtn for summ judg regarding issue of Chapter 2; 20 USC, Sections 2701-3341, & La. Rev. Stat. Sections 17:351-54 are GRANTED; Further ORDERED that mtns of Federal Defts, State defts & intervenors regarding the issue of Chapter 2, 20 USC, Sections 2701-3341 & La. Rev. Stat Sections 17:351 – 54 are DENIED. (FJRH) dktd 3/27/90.

Docket No.	Date	General Description
353	06/27/94	Federal Dfts' mtn for reconsideration of Court's Order & Reasons entered 3/27/90 which granted partial sum jgm & struck down portions of federal Chapter 2 programs. Hrg set for 8/17/94 at 10:00 am bfr Judge.
357	07/05/94	Plas mtn for settlement of judgment; Hrg set 7/18/94 at 2:00 p.m. bfr Judge Heebe
358	07/11/94	Response by intervenors Guy Mitchell, et al to plas mtn for settlement of judgment
359	07/12/94	Federal deft's statement of concurrence with intervenors' response to plas' mtn for settlement of judgment.
360	07/15/94	Jefferson Parish defts' position in connection with plas' mtn for settlement of judgment.
362	07/15/94	Dfts, Raymond K. Arveson & Mary L. Landrieu's response to pla's mtn for settlement of judgment.
366	07/18/94	Pla's reply to intervenors' response to pla's mtn for settlement of judgment & response to intervenors' proposed partial judgment & alternative language.
367	07/18/94	Intervenor's mtn for reconsideration of Court's 3/90 sum jgm order. Hrg set for 8/17/94 at 10:00 am bfr Judge.
368	07/20/94	M.E. (7/18/94): Pla's mtn for settlement of jgm & intervenors mtn for partial stay heard this date. Oral argument & both mtns submitted. (FJRH) dktd 7/20/94

Docket No.	Date	General Description
373	07/25/94	ORDER & REASONS – mtn of plas, Mary L. Helms, individually and on the behalf of her daughter, Amy T. Helms; Marie Louise Schneider & Esperanza Tizol, for settlement of judgment is GRANTED. (FJRH) dktd 7/25/94.
374	07/25/94	JUDGMENT- as stip by (FJRH) dktd 7/25/94.
379	08/02/94	Mtn by Federal Dfts to alter or amend judgment; Hrg set for 8/17/94 at 10:00 a.m. bfr Judge.
380	08/02/94	Mtn by intervenors to alter or amend the Court's judgment of 7/25/94 in regard to Chapter 2 & the La. State Books & materials program; Hrg set 8/17/94 at 10:00 a.m. bfr Judge Heebe.
399	08/22/94	Pla's memo in opp to Federal dft's mtn to stay.
401	08/22/94	Pla's memo in opp to intervenors' mtn for partial stay of the implementation of the Court's 7/25/94 judgment with respect to Chapter 2, La. State Books & Materials program, & the La State mandated costs reimbursement program.
402	08/22/94	Pla's memo in opp to Federal dfts' mtn for reconsideration & mtn to alter & amend the judgment.
408	09/01/94	M.E. 8/30/94: Mtn by Federal dfts for reconsideration, mtn by intervenors, et al for reconsideration of the Court's 3/90 summary judgment, mtn by federal dfts to alter or amend the judg; mtn by

Docket No.	Date	General Description
		intervenors to alter or amend the court's judgment; mtn by federal dfts to stay; mtn by state dfts, Raymond Arveson, et al to partially stay the judgment on 7/25/94, mtn by state dfts, Raymond Arveson, et al to alter or amend findings of fact, judgment, or grant a new trial; mtn by plas, Mary Helms, et al to alter or amend the judgment; amended mtn of state dfts, Raymond Arveson, et al for partial stay; mtn by plas, Mary Helms, et al for discovery, for leave to file a supplemental memo after discovery, for extension of time to file counter-affidavits & request for evidentiary hrg; mtn by intervenors for partial stay of the implementation of the Court's 7/25/94 judgment with respect to Chapter 2, the La State Books & materials program & the LA State Mandated Costs reimbursement program; Mtns 1-5, 7-11 are SUBMITTED: Mtn 6 is MOOT. (FJHR) dktd 9/1/94.

Docket No.	Date	General Description
409	09/01/94	M.E. 9/1/94: Case came for hrg on a previous day on various mtns – ORDERED that the mtn to stay the judgment of 7/25/94, pending resolution of their mtn to alter or amend is GRANTED: as stip; Further ORDERED that amended mtn of State Defts, Raymond Arveson, et al for partial stay is GRANTED as stip; Further ORDERED that the ruling on the amended mtn of state defts, Raymond Arveson, et al for partial stay with respect to Chapter 2 is GRANTED as stip; Further ORDERED that the ruling on the amended mtn of State dfts, Raymond Arveson, et all for partial stay with respect to the reimbursement of required expenses program is DEFERRED as stip; Further ORDERED that the ruling on plas' mtn for discovery for leave to file supplemental memo after discovery , etc. is DEFERRED as stip; Further ORDERED that the mtn by intervenors for partial stay, etc. is GRANTED as stip; Further ORDERED that the ruling on the mtn of intervenors for partial stay, etc is DEFERRED as stip; (FJRH) dktd 9/1/94.
433	06/20/95	Mtn by intervenors Guy Mitchell, Jan Mitchell, Edward Welsch, JacLynn Welsch & Eugene Cerise & Kathy Cerise for substitution of intervenors; hrg set 7/5/95 at 10:00 am bfr Judge.

Docket No.	Date	General Description
439	07/26/95	M.E. 7/25/95; Hrg held this date on mtn by intervenors as substitution – GRANTED as stip. By Mag/Judge Chasez. Dktd 7/27/95.
452	03/25/96	Pla's suggestions for oral argument, status conf & election for hrg.
456	06/24/96	M.E. 6/24/96: Oral argument is set for 7/17/96 at 10:00 a.m. on the Chapter 2 mtns presently pending bfr this Court in light of Rosenberger v. Rector, et al. (FJRH) dktd 6/26/96.
462	09/13/96	Ntc of reallotment of case to Judge Marcel Livaudais, Jr.
488	01/28/97	ORDER & REASONS: ORDERED that the mtn of the Federal dfts for reconsideration of court's ruling on chapter 2 program is granted; mtn of Intervenors for reconsideration of court's March 1990 sum jgm order is granted; that order & reasons entered on 3-27-90 is vacated; plas' mtn for partial sum jgm on chapter 2 program is denied; cross-mtn of intervenors for sum jgm is granted; cross-mtn of Federal dfts for sum jgm is granted; mtn of State dfts for partial sum jgm is granted; mtn of Federal dfts to alter or amd this court's jgm of 7-25-94 is granted; mtn of federal dfts to stay jgm is moot & mtn of State defts to partially stay of jgm entered 7-25-94 is moot; intervenors' mtn for partial stay of implementation of court's 7-24-95 jgm is moot; plas' mtn to alter or amd jgm is

Docket No.	Date	General Description
		denied & State dfts mtn for leave of court to adopt amendments to regulations governing reimbursement of required services is granted. (MLjr) dktd 1-29-97.
489	01/28/97	AMENDED JUDGMENT: ORDERED that the jgm entered in favor of dfts; declaring that the provisions of instructional equipment is constitutional under the Establishment Clause of the 1st amendment; that the permanent injunction previously entered agst dfts is lifted & vacated. In all other respects, the jgm remains as entered. (MLjr) dktd 1-29-97
495	02/26/97	Ntc of appeal by plas Mary L. Helms & Marie L. Schneider from the District Court's order & reasons entered on 1/29/97

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Mary L. Helms, et al. v. Cecil J. Picard, et al., No. 97-30231

Relevant Docket Entries

Date	General Description
03/07/97	US civil case docketed. NOA filed by Appellant Mary L. Helms, Appellant Amy T. Helms, Appellant Marie L. Schneider. [97-30231] [97-30231]
06/01/98	Oral argument heard. Case argued by Andrew Tanner Karron for Appellee-Cross-Appellant Darlene Thornton, Appellee-Cross-Appellant Dennis Thornton, Appellee-Cross-Appellant Colleen Greer, Appellee-Cross-Appellant Eddie Greer, Appellee-Cross-Appellant Claire Friedrichs, Appellee-Cross-Appellant Guy Mitchell, Appellee-Cross-Appellant Jan Mitchell, Appellee-Cross-Appellant Eugene Cerise, Appellee-Cross-Appellant Kathy Cerise in 97-30231, Lee Fox Boothby for Appellant-Cross-Appellee Mary L. Helms, Appellant-Cross-Appellee Amy T. Helms, Appellant-Cross-Appellee Marie L. Schneider in 97-30231, Matthew Miles Collette for Appellee Richard W. Riley, Appellee U S Dept of Educ in 97-30231, Andrew Tanner Karron for Appellee-Cross-Appellant Darlene Thornton, Appellee-Cross-Appellant Dennis Thornton, Appellee-Cross-Appellant Colleen Greer, Appellee-Cross-Appellant Eddie Greer, Appellant-Cross-Appellant Claire Friedrichs, Appellee-Cross-Appellant Eugene Cerise, Appellee-Cross-Appellant Kathy Cerise in 97-30233, Lee Fox Boothby for Appellant-Cross-Appellee Mary L. Helms, Appellant-Cross-Appellee Amy T. Helms, Appellant-Cross-Appellee Marie L. Schneider in 97-30233,

Date	General Description
	Andrew Tanner Karron for Appellee-Cross-Appellant Darlene Thornton, Appellee-Cross-Appellant Dennis Thornton, Appellee-Cross-Appellant Colleen Greer, Appellee-Cross-Appellant Eddie Greer, Appellee-Cross-Appellant Claire Friedrichs, Appellee-Cross-Appellant Kathy Cerise, Appellee-Cross-Appellant Eugene Cerise in 97-30261, Lee Fox Boothby for Appellant-Cross-Appellant Mary L. Helms, Appellant-Cross-Appellee Amy T. Helms, Appellant-Cross-Appellee Marie L. Schneider in 97-30261, Lee Fox Boothby for Appellee Marie L. Schneider, Appellee Amy T. Helms, Appellee Mary L. Helms in 97-30293. Lee Fox Boothby for Appellant-Cross-Appellee Marie L. Schneider, Appellant-Cross-Appellee Amy T. Helms, Appellant-Cross-Appellee Mary L. Helms in 97-30294, Lee Fox Boothby for Appellant-Cross-Appellee Mary L. Helms, Appellant-Cross-Appellee Amy T. Helms, Appellant-Cross-Appellee Marie L. Schneider in 97-30345 [97-30231, 97-30233, 97-30261, 97-30293, 97-30294, 97-30345] [97-30231 97-30233 97-30261 97-30293 97-30294 97-30345]
08/17/98	Opinion filed. Issd in T form? y Issue Mandate due on 10/8/98 in 97-30231, in 97-30233, in 97-30261, in 97-30293, in 97-30294, in 97-30345. [97-30231, 97-30233, 97-30261, 97-30293, 97-30294, 97-30345] [97-30231 97-30233 97-30261 97-30293 97-30294 97-30345] Judgment entered and filed.
09/30/98	Petition filed by Appellee U S Dept of Educ in 97-30231, Appellee Richard W. Riley in 97-30231 for rehearing.
09/30/98	Suggestion filed by Appellee U S Dept of Educ in 97-30231, Appellee Richard W. Riley in 97-30231 for rehearing en banc.

Date	General Description
10/01/98	Petition filed by Appellee-Cross-Appellant La State Bd of Ed in 97-30231, Appellee-Cross-Appellant Kenneth Duncan in 97-30231, Appellee-Cross-Appellant Cecil J. Picard in 97-30231, Appellee-Cross-Appellant La B E S E in 97-30233, Appellee-Cross-Appellant Kenneth Duncan in 97-30233, Appellee-Cross-Appellant Cecil J. Picard in 97-30233, Appellee-Cross-Appellant State Bd of Elemen in 97-30345, Appellee-Cross-Appellant Kenneth Duncan in 97-30345, Appellee-Cross-Appellant Cecil J. Picard in 97-30345 for rehearing. # of copies filed: 4 [1073162-1] Issue Mandate ddl canceled. [97-30231, 97-30233, 97-30261, 97-30293, 97-30294, 97-30345] [97-30231 97-30233 97-30261 97-30293 97-30294 97-30345]
10/01/98	Suggestion filed by Appellee-Cross-Appellant La State Bd of Ed in 97-30231, Appellee-Cross-Appellant Kenneth Duncan in 97-30231, Appellee-Cross-Appellant Cecil J. Picard in 97-30231, Appellee-Cross-Appellant La B E S E in 97-30233, Appellee-Cross-Appellant Kenneth Duncan in 97-30233, Appellee-Cross-Appellant Cecil J. Picard in 97-30233, Appellee-Cross-Appellant State Bd of Elemen in 97-30345, Appellee-Cross-Appellant Kenneth Duncan in 97-30345, Appellee-Cross-Appellant Cecil J. Picard in 97-30345 for rehearing en banc. # of copies filed: 20 [1073167-] [97-30231, 97-30233, 97-30261, 97-30293, 97-30294, 97-30345] [97-30231 97-30233 97-30261 97-30293 97-30294 97-30345]
10/01/98	Petition filed by Appellee-Cross-Appellant Jan Mitchell in 97-30231, Appellee-Cross-Appellant Guy Mitchell in 97-30231, Appellee-Cross-Appellant Claire Friedrichs in 97-30231, Appellee-Cross-

Date	General Description
	Appellant Eddie Greer in 97-30231, Appellee-Cross-Appellant Colleen Greer in 97-30231, Appellee-Cross-Appellant Dennis Thornton in 97-30231, Appellee-Cross-Appellant Darlene Thornton in 97-30231, Appellee-Cross-Appellant Guy Mitchell in 97-30233, Appellee-Cross-Appellant Jan Mitchell in 97-30233, Appellee-Cross-Appellant Claire Friedrichs in 97-30233, Appellee-Cross-Appellant Eddie Greer in 97-30233, Appellee-Cross-Appellant Colleen Greer in 97-30233, Appellee-Cross-Appellant Dennis Thornton in 97-30233, Appellee-Cross-Appellant Darlene Thornton in 97-30233, Appellee-Cross-Appellant Jan Mitchell in 97-30261, Appellee-Cross-Appellant Guy Mitchell in 97-30261, Appellee-Cross-Appellant Claire Friedrichs in 97-30261, Appellee-Cross-Appellant Eddie Greer in 97-30261, Appellee-Cross-Appellant Colleen Greer in 97-30261, Appellee-Cross-Appellant Dennis Thornton in 97-30261, Appellee-Cross-Appellant Darlene Thornton in 97-30261 for rehearing. # of copies filed: 4 [1075815-1] [97-30231, 97-30233, 97-30261, 97-30293, 97-30294, 97-30345] [97-30231 97-30261 97-30293 97-30294 97-30345]
10/01/98	Suggestion filed by Appellee-Cross-Appellant Jan Mitchell in 97-30231, Appellee-Cross-Appellant Guy Mitchell in 97-30231, Appellee-Cross-Appellant Claire Friedrichs in 97-30231, Appellee-Cross-Appellant Eddie Greer in 97-30231, Appellee-Cross-Appellant Colleen Greer in 97-30231, Appellee-Cross-Appellant Dennis Thornton in 97-30231, Appellee-Cross-Appellant Darlene Thornton in 97-30231, Appellee-Cross-Appellant Guy Mitchell in 97-30233, Appellee-Cross-Appellant Jan Mitchell in 97-30233, Appellee-Cross-Appellant Claire

Date	General Description
	Friedrichs in 97-30233, Appellee-Cross-Appellant Eddie Greer in 97-30233, Appellee-Cross-Appellant Colleen Greer in 97-30233, Appellee-Cross-Appellant Dennis Thornton in 97-30233, Appellee-Cross-Appellant Darlene Thornton in 97-30233, Appellee-Cross-Appellant Jan Mitchell in 97-30261, Appellee-Cross-Appellant Guy Mitchell in 97-30261, Appellee-Cross-Appellant Claire Friedrichs in 97-30261, Appellee-Cross-Appellant Eddie Greer in 97-30261, Appellee-Cross-Appellant Colleen Greer in 97-30261, Appellee-Cross-Appellant Dennis Thornton in 97-30261, Appellee-Cross-Appellant Darlene Thornton in 97-30261 for rehearing en banc. # of copies filed: 20 [1075845-1] [97-30231, 97-30233, 97-30261, 97-30293, 97-30294, 97-30345] [97-30231 97-30233 97-30261 97-30293 97-30294 97-30345]
01/13/99	COURT Order filed denying petition for rehearing [1073162-1] in 97-30231, 97-30233, 97-30261, 97-30293, 97-30294, 97-30345, denying suggestion for rehearing en banc [1073167-1] With poll (Y/N)?: y in 97-30231, 97-30233, 97-30261, 97-30293, 97-30294, 97-30345, denying petition for rehearing [1075815-1] in 97-30231, 97-30233, 97-30261, 97-30293, 97-30294, 97-30345, denying suggestion for rehearing en banc [1075845-1] With poll (Y/N)?: y in 97-30231, 97-30233, 97-30261, 97-30293, 97-30294, 97-30345, denying petition for rehearing [1073179-1] in 97-30231, 97-30233, 97-30261, 97-30293, 97-30294, 97-30345, denying suggestion for rehearing en banc [1073185-1] With poll (Y/N)?: y Issue Mandate due on 1/20/99 in 97-30231, 97-30233, 97-30261, 97-30293, 97-30294, 97-30345. (Part of the last sentence of the panel opinion

Date	General Description
	following the number (2) that was filed on August 17, 1998 is modified.) Copies to all counsel. [97-30231, 97-30233, 97-30261, 97-30293, 97-30294, 97-30345] [97-30231 97-30233 97-30261 97-30293 97-30294 97-30345]

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

12/28/88 Plaintiffs' Second Amended And Supplemental Complaint, Document Number 118 On District Court Docket

[Caption Omitted]

COME NOW Mary L. Helms, individually and as next friend of Amy T. Helms, a minor; Marie L. Schneider; and Esperanza Tizol, plaintiffs, by their attorneys, and for Second Amended and Supplemental Complaint state as follows:

I. JURISDICTION

1. This is a civil action brought by plaintiffs for declaratory and injunctive relief against the allocation and use of federal, state, and local funds to finance, in whole or in part, instructional services in sectarian elementary and secondary schools and other institutions operated by religious organizations and the providing of other benefits to such sectarian educational institutions. It also seeks to prohibit discriminatory treatment on the basis of religion. This action is based upon the First, Fifth, and Fourteenth Amendments to the United States Constitution.

2. Jurisdiction is conferred upon this court pursuant to Title 28 U.S.C. §§ 1331, 1391(e), 2201, and 42 U.S.C. § 1983.

3. The amount in controversy in this suit exclusive of interest and costs is in excess of $10,000 as more fully appears hereafter. This action arises under the Constitution and laws of the United States. It is an action brought in party against an agency of the United States and an official of the United States

acting in his official capacity. The claims herein complained of arose within this jurisdiction.

II. PLAINTIFFS

4. Plaintiffs Mary L. Helms, Marie L. Schneider, and Esperanza Tizol all reside within the Jefferson Parish School District and within Jefferson Parish, Louisiana. Each of the plaintiffs is a citizen of the United States and the State of Louisiana and pays taxes to the United States. Plaintiff Marie L. Schneider pays *ad valorem* maintenance school taxes, and all of the plaintiffs pay sales taxes, and are generally taxpayers of the State of Louisiana and the Jefferson Parish Public School District.

5. Plaintiffs Mary L. Helms and Marie L. Schneider are actively involved with public school issues and more particularly plaintiff Mary L. Helms serves or has served in the following positions: former member Jefferson Parish School Board Bus Task Force, former President of the East Bank Advisory Board (1987-88), and currently a member of the Pupil Progression Committee; further Marie L. Schneider has for the last 11 years served as a volunteer with the Chapter 1 (formerly Title I) (Education Consolidation and Improvement Act) program and also has served on the Jefferson Parish School Board Bus Task Force and the Chapter 1 Task Force and is a member of the Pupil Progression Committee. She is Chairperson of the parish-wide advisory council of Chapter 1 parents, former Vice Chairperson of Region VI of the National Coalition of Title I-Chapter 1 parents and is currently on the steering committee thereof, and the elected member from Louisiana on the National Board of the National Coalition of Title I-Chapter 1 Parents. She is former president of the T. B. Livaudais Jr. High School PTA and the West Jefferson High School PTA. Plaintiff Esperanza Tizol is the mother of two public school students: Herman Tizol, age 10; and Alia Tizol. Herman is in the fifth grade, and Alia is in the fourth grade at Congetta Trippe Janet Elementary School, which is also operated by the Jefferson Parish School District Board of Education.

6. All of the aforesaid plaintiffs are qualified voters of the United States, the State of Louisiana, and the Jefferson Parish Public School District.

7. Plaintiff Mary L. Helms is the mother of Amy T. Helms, a minor of the age of 16. The said Amy T. Helms is a tenth grade student who attends Bonnabel High School which is located in and operated by the Jefferson Parish School District Board of Education.

III. DEFENDANTS

8. Defendant Wilmer Cody is State Superintendent of Education and is sued herein in that capacity. Under Article 8, § 2 of the Louisiana Constitution he is Superintendent for public elementary and secondary education. He serves as administrative head of the Department of Education. The Louisiana State Board of Education is a body corporate and an agency of the State of Louisiana deriving its funds from taxpayers and federal grants and is charged with supervising and controlling public elementary and secondary education within the State of Louisiana and is further charged with administering various state and federal educational programs which are the subject of the litigation in this action.

9. Defendant Mary Landreau is the Louisiana State Treasurer and head of the State Department of the Treasury and is sued in that capacity. As Treasurer she is responsible for the disbursement of state public funds.

10. Defendant Lauro F. Cavazos is the duly appointed Secretary of the United States Department of Education and as such is head of the Department of Education which is an executive department of the United States of America. He is sued herein in his official capacity. Defendant United States Department of Education is an executive department of the United States of America. Defendants Lauro F. Cavazos and United States Department of Education are charged by the Congress of the United States with administering the Education Consolidation

and Improvement Act of 1981 (ECIA) and its reauthorization legislation known as the "Augustus F. Hawkins Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988"; and, as part of that responsibility, they are empowered to implement the legislative will by disbursing ECIA funds to the various states, including the State of Louisiana.

11. Defendant Jefferson Parish School Board is an agency of the State of Louisiana deriving its funds from the taxpayers of Jefferson Parish as well as from state- and federal-appropriated monies and is created by the laws of the State of Louisiana charged with providing public education within its school district boundaries. It is also a local educational agency which provides various educational programs, services, and funds to both public and private schools.

12. Defendant Russell Protti is Superintendent of the Jefferson Parish Public School System. Defendant Elton Lagasse is President and member of the Jefferson Parish School Board. Henry Hoppe is Vice President and member of the Jefferson Parish School Board.

13. Defendants Robert Wolfe, Barry Bordelon, Robert Autin, Delton Charles, Martin Dewey Spies are members of the Jefferson Parish School Board. The officers and members of the Jefferson Parish School Board above-named are sued in their official capacity.

14. Defendant Special Educational Services Corporation is a nonprofit corporation organized pursuant to the laws of the State of Louisiana. It has entered into annual contracts with the State Department of Education for the providing of special educational services to children enrolled in nonpublic schools of the state. When the legislature faced a shortfall and reduced the amount of funds available for education purposes, defendant Special Educational Services Corporation entered into agreements and contracts with local public school boards, including the Jefferson Parish School Board, whereby defendant Special

Educational Services Corporation and the school board agreed that the school district would hire additional special education teachers to provide special education services with the use of public school personnel on the premises of sectarian schools. Under this arrangement, defendant Special Educational Services Corporation agreed to assume full responsibility for any portion of a teacher's or a teacher assistant's salary and benefits not reimbursed by the State of Louisiana and/or the United States Federal Government. Under this arrangement, tax-derived funds were commingled with funds from defendant Special Educational Services Corporation to unconstitutionally send public school teachers onto the premises of sectarian schools located within the State of Louisiana.

IV. CLASS ACTION ALLEGATIONS

15. This action may be maintained as a class action pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure since the questions of law and fact which are common to members of their class, said class consisting of state and local taxpayers, predominate over questions affecting only individual members, and this class action is superior to all other available methods of fair and efficient adjudication of the controversy. This action may be maintained as a class action pursuant to Rule 23(b)(3) since: (a) the size of the class is too numerous to name as individual plaintiffs; (b) this is the first litigation concerning the controversy commenced by members of the class or sub-class; (c) it is clearly desirable to concentrate the litigation on the claims contained herein in this forum; and (d) there are no unresolved difficulties likely to be encountered in the management of this action as a class action.

V. TRANSPORTATION FOR NONPUBLIC SCHOOL STUDENTS

16. Under La. Rev. Stat. Ann. § 17:158 each parish and city school board is required to provide transportation for any

student attending a school of suitable grade approved by the State Board of Elementary and Secondary Education if the student resides more than one mile from such school and the school is within the jurisdictional boundaries of the parish or school board. If, however, a parish or city school board determines that transportation by a school bus is impractical or is not available or that other existing conditions warrant it, the board is empowered under La. Rev. Stat. Ann. § 17:158 to make arrangements for the use of common carriers in accordance with uniform standards established by the State Superintendent of Education and at a cost based upon the actual costs of such transportation. In the event transportation is not provided by the parish or city school board, the Department of Education, in accordance with the provisions of subsection (D) of La. Rev. Stat. Ann. § 17:158 is required to reimburse the parent of any student who resides more than one mile from the school attended by the student at a rate of one hundred twenty-five and no-hundredth dollars per student not to exceed three hundred seventy-five and no-hundredth dollars for any one family. Claims for reimbursement are to be submitted to the Superintendent of Education by the parent of an eligible student no later than July 1 of each year for reimbursement claims for the previous school year. Under this statute the amount of reimbursement does not depend upon the expenses actually incurred, and the monies are to be paid to the parent even if the actual expenses incurred are substantially less than the amount provided by the statute or were not incurred exclusively for the purpose of transporting said student.

17. In the State of Louisiana nonpublic school students are in some instances provided bus transportation by the local educational agency. In other instances the child has been paid a specific dollar amount in accordance with the provisions of the transportation statute regardless of the actual amount incurred by the parent in transporting the child to school. In certain of the parishes nonpublic school students are transported on public school buses or buses which have been contracted for by the local educational agency. The public school systems within the State of Louisiana go far beyond providing transportation to nonpublic

school students along established public school routes. Many of the public school systems, including the Jefferson Parish School System, operate a separate and preferential busing program for the children attending those schools. Many nonpublic schools in fact depend on the out-of-church parish busing to funnel students into their schools to their direct financial benefit. In many of the parishes nonpublic school students are segregated according to school, and nonpublic school students are not placed on school buses in which public school students have been assigned for transportation to and from school. Within the Jefferson Parish School system, nonpublic school students are religiously segregated when being transported to and from school resulting in school buses operating with less than full capacity, wastefully causing numerous school buses to service the same area and resulting in larger per capita expenditure for the transportation of nonpublic school students than public school students. Currently, under the present shortfall of state revenue and the corresponding reduced state funding for education, the Jefferson Parish School Board has taken action in the 1988-89 school year to charge a nominal amount per student to provide transportation to Catholic school students who attend Catholic schools outside their church parish. The charge being made for out of church parish busing is, however, much less than the actual cost incurred, thus directly aiding the sectarian schools located in Jefferson Parish.

18. Students attending public schools, including the students who attend the public schools in Jefferson Parish, are not eligible to ride buses if they elect to attend public schools outside of the school attendance area where they reside. However, a student attending a nonpublic school receives bus transportation outside of their home church parish if the child receives his education at a church-operated school beyond the boundaries of the home church parish. Plaintiffs show that in the Jefferson Parish School District the board has allocated more than 20% of its buses to transport church school students outside of their home church parish. This has created excessive expenditures for the busing of nonpublic school students resulting in a disproportionate per capita use of tax funds in favor of students

attending nonpublic schools and a loss of public funds for instructional services to public school students.

19. Plaintiffs further claim that in the Jefferson Parish School District public school students receive preference in scheduling of bus transportation with public school students, like Amy T. Helms and former plaintiff Katherine Leming's son, being required to meet their school buses much earlier than most nonpublic school students. Public school students, therefore, are subject to having to meet their school transportation at hours which are less safe than their nonpublic school counterparts.

VI. ON-PREMISES SPECIAL EDUCATION

20. Under La. Rev. Stat. Ann. § 17:1941, it is the duty of the state, city, and parish public school systems of the State of Louisiana to provide free publicly-supported education "to every exceptional child who is a resident therein."

21. La. Rev. Stat. Ann. § 17:1943 defines an exceptional child as one who is located, identified, and evaluated as being "mentally handicapped, gifted and talented, hard of hearing, deaf, speech impaired, severe language disordered, visually handicapped, emotionally disturbed, orthopedically handicapped, hospital/homebound, other health impaired, learning disabled, educationally handicapped, slow learner, and as a result may require special education or related services."

22. Under La.. Rev. Stat. Ann. § 17:1943 the special education instruction is to be in an alternative educational setting. Educational services are delivered on the premises of church-operated elementary and secondary schools and other institutions operated by religious organizations.

23. La. Rev. Stat. Ann. § 17:1944 provides that the special educational services are to be administered at the state level by the Department of Education with the approval of its governing authority and on the city or parish level by parish or

city school boards. This provision also provides that the Superintendent of Education shall establish within the department a division of special education services which shall provide general supervision and monitoring of all education programs for exceptional children conducted within the state, "including all such educational programs administered by other state or local agencies."

24. Various powers and duties are bestowed upon this division. Among these powers is the authority "[t]o conduct or contract with any . . . private agency . . . designed to improve the quality of special education programs or to increase the efficiency of such programs." This authorization is without legislative restriction to protect against the unconstitutional fusion of state and sectarian activities.

25. Under La. Rev. Stat. Ann. § 17:1946 the Department of Education is empowered to approve alternative educational settings in nonpublic day school facilities and private residential schools. Under this same section, an exceptional child may be placed in a special nonpublic day school program by a public educational agency. Also under La. Rev. Stat. Ann. § 17:1946 the Department of Education is required to include in its annual budget request an amount sufficient to reimburse the approved special nonpublic day schools for annual increases for actual cost of providing the necessary special education and related services for the upcoming school year for exceptional children placed under the provisions of this statutory provision. The State Department of Education, with the approval of the governing authority, is empowered to establish a procedure for the determination of reimbursement rates for approved special nonpublic day schools which is to reflect the actual cost of providing such special education and related services.

26. Under La. Rev. Stat. Ann. § 17:1946 the State Department of Education is required to negotiate contracts with approved special nonpublic day schools as well as city and parish school boards to provide special education and related services to

exceptional children placed in approved special nonpublic day school settings. Under the provisions of this section; it shall be at no cost to the parent or guardian of such exceptional child, including the cost of transportation where not directly provided by public agencies. This legislative directive fails to contain safeguards to ensure that there will be no unconstitutional fusion of state and sectarian functions and/or the providing of sectarian education, training, or other activities at public expense.

27. Under La. Rev. Stat. Ann. § 17:1948 by the first day of July of each year each parish and city board and special school district is required to submit an annual application for special education funds to the Department of Education. Other agencies receiving state or federal funds through the Department of Education are required to prepare and submit such applications and reports as are deemed necessary by the Department of Education with the approval of the governing authority.

28. Under La. Rev. Stat. Ann. § 17:1949 a parish or city school board or special school district, according to procedures established by the Department of Education with the approval of the governing authority, may enter into a purchase of services agreement with any nonpublic school, agency, or institution to provide free appropriate education to exceptional children in need of special education and related services. In purchasing such services the parish or city school board is authorized to negotiate a contract for special education and related services and to pay tuition or other costs not to exceed the average gross costs per educable child in the school district plus the pro rata part of the state allotment provided in La. Rev. Stat. Ann. § 17:1956 for serving pupils requiring special education and related services. This legislative authorization does not contain needed safeguards to guarantee that such arrangements entered into will be free from the fusion of state and sectarian functions and/or the providing of sectarian education, training, or other activities paid for at taxpayers' expense.

29. Under La. Rev. Stat. Ann. § 17:1950 the Department of Education may contract with nonpublic agencies to provide special education and related services subject to the conditions and limitations of the statute. There is no limitation set forth in the statute to prevent the use of tax funds to provide aid to pervasively sectarian institutions and/or the providing of sectarian education, training, or activities.

30. La. Rev. Stat. Ann. § 17:1956 provides authorization for the cost of qualified special education teachers, therapists, and/or aides subject to state financial participation to serve a maximum limit of 17% of the city/parish school district population, ages 3 through 21, as the date of the submission of the annual application for special education. This authorization also includes the cost of all qualified special education teachers, therapists, and/or aides serving exceptional children, ages 3 through 21, in the special school district. Under these various provisions of the special education statute, educational services are being unconstitutionally provided to nonpublic school students on the premises of church-operated schools or institutions operated by religious organizations.

VII. FREE SCHOOL BOOKS, MATERIALS, AND SUPPLIES FOR NONPUBLIC SCHOOL STUDENTS

31. La. Rev. Stat. Ann. § 17:351-352 directs the State Board of Elementary and Secondary Education to adopt, approve, and supply textbooks and other materials of instruction to the school children of the state. Under this program, not only textbooks, but also library books and school supplies, are furnished to nonpublic schools and the students attending nonpublic schools. There is no statutory limitation on the books, materials, or supplies being provided or other safeguards to ensure that the funds will only be used to loan reusable textbooks to specific students for totally secular courses of instruction. Sectarian schools are direct beneficiaries of library and other supplies provided under this program. Materials and supplies

divertable to sectarian purposes are provided at taxpayers' expense with no effective and constitutionally valid means of monitoring against such diversion or misuse.

VIII. REIMBURSEMENT OF NONPUBLIC SCHOOL ADMINISTRATIVE EXPENSES

32. Under La. Rev. Stat. Ann. § 17:361-365 nonpublic schools are authorized to be reimbursed for actual costs incurred in providing various administrative expenses. La. Rev. Stat. Ann. § 17:361 specifically provides:

> The superintendent of education, in accordance with rules and regulations adopted by the board of elementary and secondary education, shall annually reimburse each approved nonpublic school, for each school year beginning on and after July, 1979, an amount equal to the actual cost incurred by each such school during the preceding school year for providing school services, maintaining records and completing and filing reports required by law, regulation or requirement of a state department, state agency, or local school board to be rendered to the state, including but not limited to any forms, reports or records relative to school approval or evaluation, public attendance, pupil health and pupil health testing, transportation of pupils, federally-funded educational programs including school lunch and breakfast programs, school textbooks and supplies, library books, pupil appraisal, pupil progress, transfer of pupils, teacher certification, teacher continuing education programs, unemployment, annual school data, and other education-related data which are now or hereafter shall be required of such nonpublic school by law, regulation or

requirement of state department, state agency, or local school board.

33. Under La. Rev. Stat. Ann. § 17:381 no application for reimbursement for these nonpublic school administrative expenses shall be approved except upon such audit of vouchers or other documents by the superintendent as is necessary to ensure that such payment is lawful and proper. Under this provision the legislative auditor may from time-to-time examine any and all documents and records of a school which have been maintained pursuant to this provision in support of an application for reimbursement for the purpose of determining the cost to such school of rendering the services referred to in section 17:361. If after such audit it is determined that any school has received funds in excess of the actual cost of providing such services, such school shall immediately reimburse the state in such excess amount.

34. There is no provision in the statute prohibiting payment of an administrative expense relating to a sectarian activity that may occur at the school. Nor is there any provision in the statute to assure that any administrative cost that may relate to tests administered by the school are free of religious instructional content. Nor is there any provision that prevents the payment of administrative cost in connection with the grading of teacher-prepared tests.

35. The statute provides for the payment of administrative costs involving forms, reports, and records concerning school textbooks, library books, pupil progress, teacher continuing education programs; however, the statute does not exclude administrative expenses that may relate to religious books or religious education or exercises.

36. Plaintiffs further claim that, as administered and applied, this program for the reimbursement of administrative expenses of nonpublic schools fails to provide any effective means for ensuring that the cash reimbursements cover only

secular services. In addition, the program is so general that it would require day-to-day monitoring activities and direct oversight as well as on-site judgments from time-to-time to ensure that administrative expenses which are reimbursed are for activities which are secular and not religious in character. The risk of entanglement, therefore, is too great to permit governmental involvement. In addition, because the program is so broad in scope, it is not susceptible to routinization.

37. Plaintiffs further claim that as this statute is administered and applied reimbursement is provided to nonpublic schools for activities which aid the religious mission of the school as a whole and also directly subsidizes the religious mission of such school.

IX. NONPUBLIC SCHOOL LUNCH EMPLOYEES' SALARY ADJUSTMENT

38. La. Rev. Stat. Ann. § 17:423 provides that salary increases provided for in La. Rev. Stat. Ann. § 17:422.1 shall be granted and made applicable to all school lunch employees in nonpublic schools of the state which are receiving state and federal funds for the operation of their programs. Under this statutory provision funds have been paid to nonpublic schools, including those of the Archdiocese of New Orleans, to supplement the salaries received by nonpublic school employees resulting in an aid and benefit to church-operated schools.

X. THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981, AS AMENDED BY THE "AUGUSTUS F. HAWKINS - ROBERT T. STAFFORD ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT AMENDMENTS OF 1988" (FEDERAL PROGRAM)

39. In 1965 the Congress of the United States enacted, and on April 11, 1965, the Pr .sident approved, P. L. 89-10 known as the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 2701 *et seq.* Thereafter, on August 13,1981, P. L. 97-35, Title V § 552 (20 U.S.C. § 3801) was enacted declaring it to be the policy of the United States to continue to provide financial assistance to state and local education agencies on the basis of entitlements calculated under Title I of the said Elementary and Secondary School Act of 1965. However, under § 3801 *et seq.* such grants were to be provided to the states and local educational agencies in a manner that will "free the schools of unnecessary Federal supervision, direction and control." In accordance with this policy, Congress constructed a cooperative program in which the primary responsibility for the design and operation of individual Chapter 1 and Chapter 2 programs rested with state and local educational agencies.

40. Under Chapters 1 and 2 of the . Education Consolidation and Improvement Act of 1981 (ECIA), Congress, with the purpose and effect of aiding sectarian schools, inserted provisions in the Act that mandated aid for private schools of which almost all are pervasively sectarian in character. 20 U.S.C. § 3806, which is part of Chapter 1, requires that Chapter 1 remedial education services be provided to children enrolled in private schools. 20 U.S.C. § 3862, which is part of Chapter 2, requires that Chapter 2 services be provided to children enrolled in private schools.

41. On April 20, 1988, Congress, in an omnibus bill (H. R. 5, H. Rept. 100-567 reauthorized virtually all federal elementary, secondary, and adult education programs through fiscal year 1993. This bill reauthorized Chapter 1 and Chapter 2 of the Education Consolidation and Improvement Act of 1981 and was titled the "Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Act of 1988" (P. L. 100-297), which was signed into law on April 28, 1988 These educational grant provisions have been recodified in 20 U.S.C. § 2701-3341. The amendments to Chapters 1 and 2 may hereafter be referred to as the "1988 amendments."

42. The 1988 amendments, like the original Chapters 1 and 2, require that Chapter 1 services be provided to children enrolled in private schools. *See* 20 U.S.C. § 2727. Likewise, the 1988 amendments also provide that Chapter 2 services be provided to children enrolled in private schools. *See* 42 U.S.C. § 2972.

43. Under Chapter 1, Congress authorized grants to local educational agencies for the supplying of special educational programs for educationally deprived children in attendance areas where low income families are concentrated. 20 U.S.C. § 3805(b). The 1988 amendments in § 2723(c) provide, in part, that an application of a local educational agency for Chapter 1 funds must provide satisfactory assurances that it will "make provision for services to educationally deprived children attending private elementary and secondary schools." 20 U.S.C. § 3805(b) requires that assurances be given that any program be "of sufficient size, scope and quality to give reasonable promise of substantial progress toward meeting the special educational needs of the children being served and are designed and implemented in consultation with parents and teachers of such children." The 1988 amendments provide in 20 U.S.C. § 2723(c)(1) that assurances be given that the programs and projects "are of sufficient size, scope and quality to give reasonable promise of substantial progress toward meeting the special educational needs of the children being served, are designed and implemented in

consultation with teachers, (including early childhood education professionals and librarians when appropriate), and provide for parental involvement in accordance with § 2726 of this title."

44. 20 U.S.C. § 2727(a) provides in part that "[e]xpenditures for educational services and arrangements pursuant to this section for educationally deprived children in private schools shall be equal (taking into account the number of children to be served and the special educational needs of such children) to expenditures for children enrolled in the public schools of the local educational agency." 20 U.S.C. § 2727(d) provides that a local educational agency may apply to the state educational agency for payment for capital expenses. Such capital expenses are limited to expenditures for noninstructional goods and services such as the purchase, lease and renovation of real and personal property (including but not limited to mobile educational units and leasing of neutral sites or space), insurance and maintenance costs, transportation, and other comparable goods and services. This section authorizes an appropriation of $30 million for fiscal year 1988, $40 million for fiscal year 1989, and "such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993." This amount was specifically appropriated over and above the per capita allocation for remedial educational services to public and private school children and was enacted for the purpose of providing such items as mobile vans to provide instructional services to eligible Chapter 1 students attending sectarian schools only. No similar provision is provided for public school children.

45. Plaintiffs have been informed and believe that the Jefferson Parish Board has authorized the acquisition of mobile classrooms to provide Chapter 1 remedial educational services exclusively to sectarian school students. Plaintiffs have been informed that defendant Jefferson Parish School Board intends to obtain funds for such acquisition from the "capital expense" grant provision.

46. Chapter 2 ECIA (20 U.S.C. §§ 3811-3863) provides in a single authorization block grants to states to be used in accordance with the educational needs and priorities of the state and local educational agencies as determined by such agencies. Chapter 2's general administrative provisions, as set forth in the 1988 amendments, remain essentially the same as under former Chapter 2.

20 U.S.C. § 2972(a)(1) provides:

> To the extent consistent with the number of children in the school district of a local educational agency which is eligible to receive funds under this division or which serves the area in which a program or project assisted under this division is located who are enrolled in private nonprofit elementary and secondary schools, or with respect to instructional or personnel training programs funded by the State educational agency from funds reserved for State use, such agency, after consultation with appropriate private schools officials, shall provide for the benefit of such children in such schools secular, neutral, and nonideological services, materials, and equipment, including the participation of the teachers of such children (and other educational personnel serving such children) in training programs, and the repair, minor remodeling or construction of public facilities as may be necessary for their provision (consistent with subsection (c) of this section), or, if such services, materials and equipment are not feasible or necessary in one or more private schools as determined by the local educational agency after consultation with the appropriate private school officials, shall provide such other arrangements as will assure equitable

> participation of such children in the purposes and benefits of this division.

Under 20 U.S.C. § 2943, which is part of the 1988 amendments, an application for funds by a school district must provide assurances of compliance with the provision of the Act which mandates participation of children enrolled in private, nonprofit schools. The school district must also provide "in the design, planning, and implementation of such programs, for systematic consultation with teachers and administrative personnel in such [nonpublic] schools and with other groups involved in the implementation of this division (such as librarians, school counselors, and other pupil services personnel) as may be considered appropriate by the local educational agencies.

47. Like the previous Chapter 2 requirements, the 1988 amendments in 20 U.S.C. § 2941 permit funds to be used by school districts "for the acquisition and use of instructional and educational materials, including library books, reference materials, computer software and hardware for instructional use, and other circular materials that would be used to improve the quality of instruction." This same section also permits funds to be used for "programs of training and professional development to enhance the knowledge and skills of educational personnel, including teachers, librarians, school counselors and other pupil services personnel, and administrative and school board members."

48. In addition, the 1988 amendments provide in 20 U.S.C. § 2951 for the use of such federal funds to provide for "effective schools programs." This new provision permits federal funds to be used to "plan and conduct training and other professional development activities for teachers, administrators and other educational personnel on the implementation of effective schools programs." 20 U.S.C. § 2952, which is part of the 1988 amendments, defines the term "effective schools programs" to mean "school-based programs that may encompass preschool through secondary school levels and that have the

objectives of (1) promoting school-level planning, instructional improvement, and staff development, (2) increasing the academic achievement levels of all children and particularly educationally deprived children, and (3) achieving as ongoing conditions in the school the following factors identified through effective schools research as distinguishing effective from ineffective schools: (A) strong and effective administrative and instructional leadership that creates consensus on instructional goals and organizational capacity for instructional problem solving; (B) emphasis on the acquisition of basic and higher order skills; (C) a safe and orderly school environment that allows teachers and pupils to focus their energies on academic achievement; (D) a climate of expectation that virtually all children can learn under appropriate conditions; and (E) continuous assessment of students and programs to evaluate the effects of instruction.

49. The 1988 amendments in 20 U.S.C. § 2972(b) specifically provide:

> Expenditures for programs pursuant to subsection (a) of this section shall be equal (consistent with the number of children to be served) to expenditures for programs under the division for children enrolled in the public schools of the local educational agency, taking into account the needs of the individual children and other factors which relate to such expenditures, and when funds available to a local educational agency under this division are used to concentrate programs or projects on a particular group, attendance area, or grade or age level, children enrolled in private schools who are included within the group, attendance area, or grade or age level selected for such concentration shall, after consultation with the appropriate private school officials, be assured equitable participation in the purposes and benefits of such programs or projects.

50. In Louisiana Chapter 2 funds and benefits have been and under the 1988 amendments are provided to the nonpublic schools within the State of Louisiana. The programs in which the nonpublic schools in Louisiana participate include a microcomputer program, a basic skills program, and an instructional resources program. Under the microcomputer program, micro computers and software are purchased and transferred to nonpublic schools for their use. In addition, teachers and students receive instruction concerning the use of this equipment. Under the basic skills program, in-service training is provided to parochial school teachers, and students receive the instructional services on the premises of the parochial schools. Under the instructional resources program, audio-visual materials such as movie and slide projectors, enrichment materials such as library books, and other supplies are purchased and transferred to nonpublic schools.

51. Under the Chapter 2 program as it has in the past been administered and is being administered presently in Louisiana, nonpublic schools are directly benefited from monies appropriated pursuant to article I, section 8 (the taxing and spending power provision) of the United States Constitution.

52. Under the Chapter 2 program as it has been administered in the past and is currently administered in the State of Louisiana, there are no adequate safeguards to guarantee and ensure that the personal property purchased by federal funds and supplied to the nonpublic schools will be used only for the teaching of secular subjects. Also, it is impossible to provide for a monitoring program to prevent these items of personal property from being used for other than student instruction in secular subjects because any monitoring that would be useful in preventing the unconstitutional use of such equipment would create excessive entanglement between the government and the church-operated educational institutions.

53. In addition, other Chapter 2 funds, which are not used to purchase personal property, are used for purposes which

directly aid and benefit the church-operated educational institutions.

XI. NONPUBLIC SCHOOLS RECEIVING BENEFITS

54. The various programs administered by the state and local educational agencies in Louisiana hereinabove referred to on their face and as construed and applied by the defendants authorize the furnishing of educational services, transportation, personal property, and other benefits to educational institutions, which in whole or in part: (1) are controlled by churches or religious organizations; (2) have as their purpose the teaching, promulgation and promotion of a particular religious faith; (3) conduct their operations, curricula, and programs to fulfill that purpose; (4) impose religious restrictions on admissions; (5) require attendance at instruction in theology and religious doctrine; (6) require attendance at or participation in religious worship; (7) are an integral part of the religious mission of the sponsoring church; (8) have as a substantial or dominant purpose the inculcation of religious values; (9) impose religious restrictions on faculty appointments; (10) impose religious restrictions on what the faculty may teach. A large percentage of the children attending the nonpublic schools attend such sectarian schools controlled by such religious organizations.

55. Each of the programs, which is the subject of this litigation, directly benefits church-operated educational institutions, constitutes a public fund subsidy of said sectarian schools reducing the budget of each such school whose pupils receive the services and benefits aided by public tax funds.

56. The furnishing of such benefits in the manner actually administered by the defendants confers a substantial benefit on the nonpublic schools themselves by freeing for other uses funds which the nonpublic schools and the sponsoring church would otherwise have to spend.

57. The various state and locally administered programs providing benefits to nonpublic schools have the cumulative effect of providing substantial aid and benefit to pervasively sectarian elementary and secondary schools and their sponsoring churches in Louisiana. Under the various state programs, not including Chapters 1 and 2, in excess of $30 million is provided from the public treasury for the direct benefit of church-operated schools. Included are the following budgeted amounts made available to nonpublic schools for the 1985-86 school year:

Transportation reimbursement	$5,820,000
Textbooks, library books and school supplies	4,756,457
Reimbursed administrative costs	4,081.275
Testing in nonpublic schools	195,000
Nonpublic school lunch employee salary adjustment	5,303,723
Transportation of nonpublic school students by public schools	7,500,000

The sum of $1,070,952 for residential and tri-part contract arrangements, some of which as administered and applied, have directly benefited church-operated institutions which provide religious teaching to students attending those institutions.

58. In addition, state monies have been channeled through the defendant Special Educational Services Corporation, which is a church-related nonprofit organization. Administrative costs of this corporation have been paid for by public funds with monies and services being channeled directly to church-operated elementary and secondary schools which provide sectarian education, training, and other activities for its students. At other times, as a result of the state's financial shortfall, during which time state funds have been withheld from the Special Educational Services Corporation, said defendant has contracted with local school districts, including defendant Jefferson Parish Public School Board, so that the public school district provides public school special education teachers to provide special education on

the premises of sectarian schools. Under such contractual agreements, only a portion of the monies to pay for the special educational services on the premises of nonpublic schools are provided by the defendant Special Educational Services Corporation with the remainder of the funds being provided from tax-derived funds.

59. These state-funded programs, together with the Chapters 1 and 2 federally-financed -- but state administered -- programs, were provided for with the purpose of aiding church-operated institutions. In addition, as these programs are administered in Louisiana, they have a primary effect of aiding and assisting certain church-operated institutions in their religious educational mission.

60. Further, the cumulative impact of all these programs taken together result in excessive administrative and political entanglement between government and church.

61. In addition to the above, the various programs herein complained of, particularly the transportation program, provide unequal benefits and advantages in favor of nonpublic school students resulting in unequal benefits and advantages to the church-operated institutions themselves at their expense and to the detriment of public school students and the public schools which they attend contrary to the Fourteenth Amendment to the United States Constitution.

XII. OTHER ALLEGATIONS

62. This suit involves a genuine case or controversy between the plaintiffs and defendants.

63. Plaintiffs have no plain, speedy, or adequate remedy at law and will suffer irreparable injury unless a preliminary and permanent injunction is granted.

64. In addition, this action seeks to prevent the improper and unconstitutional use of public funds to the benefit of all taxpayers of the State of Louisiana and the various school districts. Therefore, plaintiffs are entitled to recover their reasonable attorneys fees and costs.

65. Various defendants have acted in concert and have denied plaintiffs certain constitutional rights contrary to the requirements of 42 U.S.C. § 1983. Further, this proceeding is brought, in part, to prevent an improper and unconstitutional use of public tax-based funds. Further, this proceeding is an action for which the Civil Rights Act of 1871 provides a remedy, and therefore under 42 U.S.C. § 1988 plaintiffs are entitled to recover their reasonable attorney fees as part of the costs incurred in this action.

XIII. CAUSES OF ACTION

A. First Cause of Action
Nonpublic School Transportation

66. Insofar as La. Rev. Stat. Ann. § 17:157-158, that being the school transportation program, is administered in a manner which generally permits nonpublic school students to be provided transportation outside of their home church parish when concurrently public school students are denied transportation to public schools outside of their school attendance area, this program is constitutionally deficient. This is because the benefits provided are not substantially equal nor are they being provided without distinction between children attending sectarian and public schools. In addition, the school districts have unconstitutionally set up a transportation system providing a separate transportation system for each sectarian school rather than by busing parochial school students along bus routes established as part of the regular public school bus program, and nonpublic school students are segregated from public school students in the vehicles being used for transportation. To the extent that nonpublic school students are provided a separate

transportation program and are afforded greater options and greater benefits than students attending public schools, the program is unconstitutional under the Religion Clauses of the First Amendment, as made applicable to the states by the Fourteenth Amendment to the United States Constitution, as well as by reasons of the equal protection requirements of the Fourteenth Amendment to the United States Constitution.

67. In addition, to the extent that the transportation statute is administered in a manner whereby priority in scheduling of transportation is made to benefit nonpublic schools and students attending nonpublic schools at the expense of public schools and students attending public schools, the program is likewise unconstitutional under the First and Fourteenth Amendments.

68. Further, the provision of the transportation statute, which has provided for a payment of a fixed sum to parents of nonpublic school students who are not provided school bus transportation, is unconstitutional, and such payment is illegal because it does not represent a reimbursement for actual expenses incurred but may in fact result in a benefit and inducement to a parent electing to send their child to a church-operated elementary and secondary school.

B. Second Cause of Action
Special Education Services

69. Insofar as La. Rev. Stat. Ann. §§ 17:1941-1958 providing for the education of exceptional children contains inadequate constitutional safeguards and guarantees and/or is administered and applied so as to provide educational services on the premises of church-operated schools or other institutions operated by religious organizations and otherwise aiding and benefiting church-operated elementary and secondary schools or religious institutions or requiring monitoring on the premises of those institutions by governmental employees, such program is unconstitutional under the First and Fourteenth Amendments to

the United States Constitution. Such a program provides financial aid and benefit out of public funds to church-related schools or religious institutions. In addition, the government program also fuses state and sectarian activities, provides for a symbolic union of church and state, and creates an excessive entanglement by state and local educational agencies with the affairs of church-related schools.

C. Third Cause of Action
Free Books, Materials, and Supplies for Nonpublic Schools

70. Insofar as La. Rev. Stat. Ann. §§ 17:351-352 permits not only the loaning of free school books to nonpublic school children but also authorizes the supplying of other materials of instruction and supplies, this provision is unconstitutional. These provisions do not provide for adequate safeguards to ensure that funds will only be used to provide for the loaning of secular textbooks to students. Materials furnished under this provision are easily divertable for sectarian purposes. The law also does not provide safeguards to ensure that materials and supplies normally provided by church-operated schools will not be ordered by church-operated schools and supplied at taxpayers' expense to those schools in aid of the religious mission of those schools.

71. Plaintiffs claim that this program has been administered and applied in a manner which has converted a textbook loan statute into a subterfuge under which there is being accomplished indirectly what cannot be accomplished directly under the First Amendment to the United States Constitution. Plaintiffs claim that materials obtained under this program have been treated by nonpublic schools as if they belonged to the nonpublic schools and are used as an integral part of the nonpublic school's educational activities. The furnishing of the materials under this program in the manner actually administered by the defendants confers a substantial benefit on the nonpublic schools themselves.

D. Fourth Cause of Action
Reimbursement of Required Costs

72. La. Rev. Stat. Ann. §§ 17:361-365 providing for the reimbursement of administrative expenses incurred by nonpublic schools does not provide adequate safeguards to guarantee that public funds will not be paid to church-operated institutions in a manner which directly aids the institution as a whole; likewise, there are not adequate safeguards to ensure that funds will not be expended for administrative costs associated with religious activities or concerns of these sectarian institutions. In addition, if adequate safeguards were to be provided under the present statute through monitoring, such an arrangement would result in excessive entanglement between church and state. Also, the auditing requirements of La. Rev. Stat. Ann. § 17:365 contain the potential for excessive entanglement between church and government. The program also results in a special benefit only to nonpublic schools and thus provides unequal treatment in violation of the First and Fourteenth Amendments to the United States Constitution.

E. Fifth Cause of Action
Nonpublic School Lunch Employees' Salary Adjustment

73. La. Rev. Stat. Ann. § 17:422.3 providing salary adjustment payments to nonpublic schools completely fails to provide any means by which the state and local educational agencies can be certain that these funds will not be used other than in providing school lunches to students. In addition, the program provides for direct financial benefits to church-operated institutions contrary to the First Amendment to the United States Constitution.

F. Sixth Cause of Action
Education Consolidation and Improvement Act of 1981 and Its 1988 Amendments (Federal Program)

74. Insofar as the Education Consolidation and Improvement Act of 1981, 20 U.S.C. §§ 3811-3863 and its reauthorization in the 1988 amendments, as set forth in 20 U.S.C. §§ 2911-2976, provides for the furnishing of supplies, equipment, and other items of personal property to church-operated elementary and secondary schools, provides educational services on the premises of church-operated schools, or permits the training and professional development of educational personnel (including teachers, librarians, school counselors, and administrators employed by sectarian school or sectarian school board members) such a program as administered is unconstitutional under the First Amendment to the United States Constitution and violates the teachings of the United States Supreme Court in *Meek v. Pittenger*, 421 U.S. 349 (1975), and *Wolman v. Walter*, 433 U.S. 229 (1977).

75. Insofar as funds used in accordance with 20 U.S.C. § 2727(d) are expended for noninstructional goods and services such as the purchase, lease and renovation of real and personal property (including but not limited to mobile educational units and leasing of neutral sites), insurance and maintenance costs, transportation and other comparable goods and services for the providing of Chapter 1 type services exclusively to children enrolled in and attending nonpublic schools, such expenditures are unconstitutional. Plaintiffs contend that said provision is unconstitutional both on its face and as applied as a violation of the no aid requirements of the Establishment Clause of the First Amendment to the United States Constitution.

76. Further, to the extent that funds are utilized to provide for Chapter 1 services in mobile vans or portable classrooms which have been provided from funds under Chapter 1 or its reauthorization legislation to provide services to students exclusively enrolled in nonpublic schools and particularly when

said expenditures are approved under 20 U.S.C. § 2721 and/or 20 U.S.C. § 2727(c), such expenditure of federal tax-derived funds is unconstitutional.

77. Defendant Lauro F. Cavazos as Secretary of the United States Department of Education has the duty and responsibility to ensure that public funds under his control are expended in a manner consistent with the provisions of the United States Constitution as interpreted by the United States Supreme Court. The former Secretary, William J. Bennett, has, however, stated that Chapter 2 funds may be used to provide equipment and materials for nonpublic schools and to provide educational services on the premises of nonpublic schools. Any failure on the part of the Secretary or the United States Department of Education to ensure the constitutional use of Chapter 2 funds is a violation of his duties and responsibilities.

78. Plaintiffs herein claim that Chapter 2 of the Education Consolidation and Improvement Act of 1981 is being unconstitutionally administered in the State of Louisiana by the state and local educational agencies with the knowledge and approval of the United States Department of Education.

79. Because of the position which has been taken by the former Secretary and the United States Department of Education and their lack of faithfulness toward the teachings of the Supreme Court on school aid cases, plaintiffs are fearful and believe that the United States Department of Education itself will fail to take action as may be required to terminate Chapter 2 funds when those funds are used to provide services on the premises of church-operated schools, to assist in training educational personnel employed by sectarian schools or members of the school boards of sectarian schools or to provide equipment, materials, and supplies to church-operated elementary schools. Without the injunctive order of this court, there is no effective monitoring or limitation on the use of Chapter 2 funds to ensure that they will only be used in a constitutional manner.

XIV. PRAYERS FOR RELIEF

WHEREFORE, plaintiffs pray that the following relief be granted:

1. For a declaration that the state special education program, that being La. Rev. Stat. Ann. §§ 17:1941, 1985, as it is being administered and applied, is unconstitutional under the First and Fourteenth Amendments to the United States Constitution.

2. For a declaration that the transportation program, that being La. Rev. Stat., Ann. §§ 17:157-158, is unconstitutional to the extent that: (a) public school buses are used to transport students attending nonpublic schools beyond the district boundaries, and (b) the program is administered in a manner providing priority and preference in scheduling to nonpublic schools and their students over public schools and their students, and (c) the program is administered in an unequal manner which, in effect, provides for a separate transportation system for each sectarian school which is operated separate and apart from the transportation program of the public school and is segregated on the basis of religion, rather than, providing nonpublic school students transportation along established public school bus routes, and (d) a flat amount for reimbursement of transportation costs is made to parents of nonpublic school students regardless of the actual expenses incurred.

3. For a declaration that the free textbook and other materials of instruction statute, that being La. Rev. Stat. Ann. §§ 17:351-352, is unconstitutional insofar as it provides for or permits the supplying of books, materials, and supplies to nonpublic schools and to the extent that it provides for other than the actual loan of student textbooks to specific students. For a declaration that said statutory provision is also unconstitutional to the extent that it permits the supplying of materials divertable from secular to sectarian purposes.

4. For a declaration that the provisions of La. Rev. Stat. Ann. § 17:361 providing for the reimbursement of administrative expenses of nonpublic schools be declared unconstitutional.

5. For a declaration that the nonpublic lunch employee salary adjustment statute, that being La. Rev. Stat. Ann. § 17:422.3, is unconstitutional.

6. For a declaration that Chapter 2 of the Education Consolidation and Improvement Act of 1981, 20 U.S.C. §§ 3811-3863 and the 1988 amendments thereto, that being 20 U.S.C. §§ 2911-2976, are unconstitutional insofar as administered so as to furnish equipment, materials, and supplies to church-operated elementary and secondary schools or as being applied to provide educational services on the premise of nonpublic schools and/or permits the furnishing of equipment, materials, and supplies which, without ongoing and on-site monitoring, is divertable from secular to sectarian purposes.

7. For a declaration that the provisions of 20 U.S.C. § 2727(d), which authorize the expenditure of funds for noninstructional goods and services such as the purchase, lease and renovation of real and personal property (including but not limited to mobile educational units and leasing of neutral sites or space), insurance and maintenance costs, transportation, and other comparable goods and services is unconstitutional on its face and as applied where such expenditures are being made exclusively for the benefit of children attending sectarian schools; further, for a declaration that the provisions of 20 U.S.C. § 2727(d), which authorizes the expenditure of funds for noninstructional goods and services, such as the purchase, lease and renovation of real and personal property (including, but not limited to, mobile educational units and leasing of neutral sites or space), insurance and maintenance costs, transportation, and other comparable goods and services is unconstitutional on its face and as applied where such expenditures are being made exclusively for the benefit of children attending sectarian schools.

8. That defendants, their attorneys, agents, and employees and those acting in concert with them be enjoined first by preliminary and later by permanent injunction from approving, funding, administering, implementing, or in any way carrying out the following: (a) a transportation program which in any way permits busing of nonpublic school students out of their home church parish or the creation of special and separate bus routes for the exclusive use of sectarian schools or students enrolled therein beyond the district or the creation of special bus routes for the exclusive use of nonpublic school students or is administered in a manner which provides a preference or priority for nonpublic schools and their students over public schools and their students or providing for religiously-separated buses or the payment of flat sums of money to parents of students attending nonpublic schools which amount is unrelated to the actual amount of expenses incurred; (b) providing special education to nonpublic school students on the premises of church-operated elementary and secondary schools or other religious institutions or the fusion of sectarian and state-supported functions and activities at taxpayers' expense or providing other direct aid to church-operated elementary and secondary schools; (c) providing of free textbooks, materials, and supplies to nonpublic schools or providing other than textbooks to nonpublic school students on the basis of a loan for a specific student; (d) providing materials and supplies divertable from secular to sectarian purposes; (e) the reimbursement of administrative costs to nonpublic schools; (f) the payment of funds for nonpublic school lunch employees' salary adjustment; (g) the furnishing of equipment, materials, and supplies such as audio-visual materials or on-premises instructional services to church-operated elementary and secondary schools under Chapter 2, 20 U.S.C. §§ 3811-3863 and the 1988 amendments thereto, including 20 U.S.C. § 2941(b)(2); (h) the allocating or payment of any funds for programs providing training and professional development for educational personnel including teachers, librarians, school counselors, or other pupil services personnel, administrators employed by sectarian schools or to provided such training and professional development for school board members of sectarian schools; (i) the allocating or

expending of funds under 20 U.S.C. § 2727(d) for noninstructional goods and services such as the purchase, lease, and renovation of real and personal property, insurance and maintenance costs, transportation, and other comparable goods and services.

9. For costs of suit herein incurred.

10. For reasonable attorney fees.

11. For such other and further relief as the court may deem just and proper.

Dated: November 1, 1988

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

8/11/89 Attachments To Plaintiffs' Motion For Summary Judgment, Document Number 165 On District Court Docket

Cannon Deposition – Marie K. Cannon was the Principal at St. Anthony School

[Page 28: 14 to 23]

BY MR. BOOTHBY:

Q. Let me explain if I may. What I'm trying to find out is whether you view as applied to your school religion as being something that can be compartmentalized and taught within the school day only within a thirty- or forty-minute period and then ignored during the rest of the day?

[Page 29: 1 to 30: 3]

THE WITNESS:

No, I don't believe that.

Q. Let's go to B. There is a statement that, "Each grade, one through eight, attends Holy Mass one day a week at 8:30 A.M. The entire school attends in a body once a month." Is that policy followed at your school?

A. Yes, it is.

Q. Let me ask you this. Do you have any non-Catholic students that attend your school?

A. Yes.

Q. What do those students do during that period of time?

A. They attend with their class.

Q. Is attendance required?

A. Yes, it is.

Q. Incidentally, with reference to the other paragraph above, do you require that all students that are admitted into your school attend and take your religion classes whether they are Catholic or non-Catholic?

A. Yes, we do.

[Page 37: 12 to 38: 2]

Q. If a child failed a religion class, would they under the Subparagraph C be required to either go to summer school or participate in a study assignment?

A. Yes, they would.

Q. Would that be in the area of religion? In other words, would they have to either attend a summer school program in a religion course or have a study assignment on religion?

A. Yes, they would.

Q. Would that apply to both Catholic and non-Catholic students?

A. Yes, it would.

[Page 129: 1 to 133: 8]

Q. Now the books that were ordered that are set forth in this particular document, can you tell me how you determined which books to order?

A. I ask the teachers for recommendations and we have catalogs that we go through and order from.

Q. Where did you get these catalogs from?

A. They are sent through the mail.

Q. With reference to the textbooks you previously indicated that the State had catalogs as I understand it of approved textbooks.

A. Correct.

Q. Is there also a catalog that is issued by the State that has approved library books?

A. Not to my knowledge.

Q. So the catalog utilized for this purpose would be various catalogs that various publishing houses issue?

A. Correct.

Q. Again maybe to get some general information, what happens to this book order once you make it out? What do you do with it?

A. I send it to the Jefferson Parish Public School System, some name that they give for it to go to.

Q. Then what do you do?

A. We wait for it to be sent to us.

Q. Is it sent directly to you or do you have to pick up somewhere?

A. It's sent directly to us.

Q. From the book publisher or the supply house?

A. I think the last year or so it's been sent directly from Brodart or whatever the main jobber was.

Q. Do you ever pick up the books from the Jefferson Parish School District warehouse?

A. No.

Q. Have you ever received any kind of guidelines from the Jefferson Parish School Board indicating the type of books that they permit you to order as library books?

A. Yes.

Q. Can you tell me when you receive that guidance?

A. It is usually with the letter that tells you how much your school is allotted.

Q. Have you ever received any guidance from the State in addition to what you receive from the local school district?

A. I'm just assuming what I got was from the local school district.

Q. Did you get more than one guidance?

A. No.

Q. Have you ever had any book orders rejected for reasons other than the fact that they might not be available?

A. No.

Q. Can you tell me who normally fills out the book order?

A. I have a volunteer mother who works in my library and she handles that.

Q. As I understand your previous testimony your teachers would supply you with suggestions as to books?

A. Correct.

Q. Would anybody else to your knowledge make those suggestions?

A. The lady who works in the library.

Q. Anybody else, any parents for instance?

A. I would accept any suggestions from them if they would make any.

Q. If you will notice these first three pages, the line that runs to the right of the column of the publisher seems to have a check mark in it. Do you know what that check mark indicates?

A. Those books were received.

Q. In other words, if there is a check mark one could assume from looking at this form that these books were in fact received?

A. Correct.

Q. Do you ever review the book order prior to its being sent to Jefferson Parish Public School?

A. I glance at it and at the total to see if that is within the budget.

Q. Do you ever review the list of books to see what books are actually being ordered?

A. No.

Q. Would anybody other than the lady that you indicated that was the volunteer see the full list of books that are to be ordered?

A. No.

[Page 136: 25 to 137: 13]

Q. Have you ever received any kind of notification from the Jefferson Parish School District that any books, that there were books received from them that were not acceptable from their standpoint?

A. Yes.

Q. When did you receive notification?

A. I think it was either before the school year or last school year.

Q. Can you tell me what form that notification took?

A. It was in a letter. They listed the titles of the books.

[Page 137: 22 to 139: 19]

Q. In any event you received some type of a letter. After you got that letter what did you do?

A. Took all the books, found the books and sent them back to Jefferson Parish.

Q. Do you know how many books there were that you located that they had listed?

A. You mean the total number they asked for?

Q. Yes.

A. I don't recall but it was like, it was less than thirty.

Q. You say less than thirty, would it have been more than twenty in your best estimate?

A. I don't think it was.

Q. You think it was less than twenty?

A. Yes.

Q. In any event when you were asked for those books did you in fact send them back?

A. Yes.

Q. Did you review any of the books that they suggested were not appropriate as far as having been supplied by the school district?

A. I looked at them.

Q. Were there any books that you viewed that you felt were within the guidance that you had previously received?

A. Yes.

Q. Can you give me an illustration?

A. I don't remember the titles, but they went strictly on the title of the book and the title may have indicated, maybe had angel in it. That book had to come off because they didn't know what it was like, the content of the book was in no way religious at all, but it went back.

Q. Have you had occasion to go through the books in your library from time to time?

A. Not many occasions.

[Page 139: 20 to 140: 4]

Q. Okay. I would like to have you look at, let me see if I can identify this. One of the problems is so many of these pages are difficult to read. But, I did find some pages that were easy to read in the '82-'83 group of books. Have you found that particular year, '82-'83?

A. No.

[Page 140: 5 to 141: 20]

Q. If you will look on the eighth page of fourteen pages for that group and it has a date October.

A. October.

Q. If you will notice about a fourth of the way down there appears I think it says Children's Bible 1. Do you see that listed there?

A. I do.

Q. Do you know if that was one of the books that was recalled?

A. I think so.

Q. You see the next item down, Children's Bible Stories?

A. Yes.

Q. Do you know if that was one of the books that was recalled?

A. I believe it was.

Q. If you will look over on the next page almost down at the bottom and I can't really read it, but I see the last part appears to

say the Story of Pope John and I'm not sure what else is after that. Do you know if that was one of the books that was recalled?

A. I'm not positive.

Q. There is another book on the same page and again I'm having problems reading it. It appears to say something about the last part is of Woman: Religion. Do you know what that book is?

A. I can't read it either.

Q. Do you maintain a running inventory of all of the books in your library?

A. I keep these sheets.

Q. But, these are the books that were received from Jefferson Parish; is that correct?

A. Uh-huh (affirmative reply).

[Page 144: 8 to 24]

Q. Page 3. There are some books for instance, one is Mary the Mother of Jesus. One right above, it, John, The Story of the Baptist, immediately above that Moses, The Escape from Egypt, above that Adam, The Story of Creation. Do you recall whether there was any discussion at your school about ordering those books back sometime in 1985?

A. No, I would not have approved that.

Q. Can you tell me how those books might have gotten on the list of books to order?

A. The librarian, the lady, the mother must have copied it.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Fine Deposition - Leonard Fine was the Assistant Superintendent of Schools for the Archdiocese of New Orleans

[Page 109: 25 to 110: 11]

Q. Was it your understanding that that questioning of the selection of books was based upon the title of the book as distinguished from someone going through the book and looking at the book's page by page?

A. Very definitely. A good example was that there was a book in one of the libraries called, "The Saints Go Marching In," which was objected to. This was a book about the New Orleans Saints.

[Page 130: 24 to 131: 16]

Q. Do you know, again, calling upon your experience, what would dictate to a school either a librarian or a principal, whether the books were going to be purchased under the Chapter II program or under the state library book program or from the local school funds?

A. The monies that were allocated for Chapter II or state library books were used first and then if that library wanted additional volumes, then if monies were available, they would use those funds. In many cases, there were no funds available. They had to rely on the Chapter II or the state library in order to furnish their libraries.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Jenkins Deposition – Howard J. Jenkins was Superintendent for the parochial school system for the Archdiocese of New Orleans

[Page 112: 12 to 16]

Q. Do you know whether religion is discussed other than in the religion class in the schools of the Archdiocese operating in Jefferson Parish?

[Page 113: 1]

A. It's permitted.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Jenkins Deposition Exhibit 3A (excerpt at second unnumbered page, section on philosophy without pictures)

PHILOSOPHY

CHRIST is the FOUNDATION of the whole educational enterprise in a CATHOLIC SCHOOL (The Catholic School No. 34)

Based on this premise the St. Mary Magdalen School Community of teachers, parents, and priests, is committed to educate the whole person spiritually, intellectually, emotionally, socially, and physically, in the light of the Gospel-message of Jesus, the tradition of the Catholic Church and Scripture. Differences of race, creed, and culture will be respected as we recognize that each person is created in God's own image.

Furthermore, through life-giving Christian leadership, challenging, competent teaching, St. Mary Magdalen strives to present an on-going progressive curriculum and creative learning programs. These educational programs serve the individual needs, develop self-worth, instill a love for life and learning, insure academic excellence, and challenge the students to assume responsible, active roles as American citizens who will work toward social justice and peace for all humanity.

It is the aim and purpose of St. Mary Magdalen School, in cooperation with the home and parish, to create and provide experiences for the students to proclaim the Gospel message, to worship and pray together, to know what it means to live and serve interdependently, to build family and community in society, to be educated fully in order to be successful in the present and future society, shaping the world by their Christian Visions and Values.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Jenkins Deposition Exhibit 5 (excerpt at page 2, section on "Admission Policy")

ADMISSION POLICY:

The Schools of the archdiocese of New Orleans, Louisiana, admit students of any race, color, national and ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at its schools. They do not discriminate on the basis of race, color, national and ethnic origin in administration of their educational policies, scholarship and loan programs, and athletic and other school-administered program.

Additionally, in compliance with Title IX of the Civil Rights Act of 1964, no person in the schools of the Archdiocese shall, on the basis of sex, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under any educational program or activity, except as permitted under said Title IX.

To be admitted to St. Clement of Rome School:

1. Parents are required to be registered members of St. Clement of Rome Parish.

2. Parents must strive to live out their faith commitment by joining along with their children in the regular Sunday worship of their faith.

3. They must show allegiance to St. Clement of Rome Parish by participation in the organizations of the Parish.

4. They agree to cooperate with school authorities in disciplinary matters dealing with their child (children). (See page 14 Note)

5. They conscientiously practice stewardship.

The above guidelines will also be applied to re-registration by the School Board Admissions Committee. Place in school is not guaranteed to children of non-supporting and/or non-involved parents.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Jenkins Deposition Exhibit 6 (excerpt at page 3, section on "Objectives" -- first two paragraphs)

OBJECTIVES

To achieve these goals in Catholic Education, the objectives of the Christian educator at Our Lady of Divine Providence School are:

1) To create an environment of Christian living in all areas of school life where the "Witness of Jesus" is proclaimed through values lived and taught in the school to the students who will become the adults of the future.

2) To build an atmosphere of developing Christian morals and attitudes to the fullest potential in each child, by providing high standards of education in which responsibility, self-discipline, decision making and knowledge of oneself are taught through all subjects.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Jenkins Deposition Exhibit 8 (excerpt)

The following infractions are considered grounds for expulsion: • • •

8. Any behavior, in or out of school, which is deemed detrimental to the Catholic values for which St. Agnes School stands, or any action which brings embarrassment or shame upon the name of the school.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Jenkins Deposition Exhibit 10 (excerpt at first paragraph under section "Christ the King School Philosophy" on page 1, first paragraph)

CHRIST THE KING SCHOOL PHILOSOPHY

We at Christ the King School believe that the family, in conjunction with the church, school and community, is the cornerstone of a child's life. Our primary objective as a Catholic school is to reinforce Christian principles already begun at home. Moral and spiritual training is an integral part of all educational classes at our school. Spiritual freedom can be achieved when one knew the discipline of Christian life; that is, the total commitment to know, love and serve God.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Jenkins Deposition Exhibit 17 (excerpt at page 8, section under "Spiritual")

SPIRITUAL

We believe that an atmosphere of love and trust should exist among students, faculty and parents, where faith is a lived experience and where Christian values and attitudes are developed, strengthened, internalized, and communicated.

Therefore, we provide opportunities for study, reflection, prayer and worship; strive to integrate Christian values into our total educational program; and share in the development of spiritual and moral values, which will enable the student to live the word of God.

The spiritual objectives are:

1. To teach Catholic Christian doctrine.
2. To show the students that their church can be a daily part of their lives.
3. To develop a spirit of prayer and worship.
4. To teach responsibility for assisting the needy.
5. To teach the importance of the family unit in society and in Christian life.
6. To teach love of God and Christian values to each student.

7. To assist faculty, parents, and students to understand the teachings of the church in the light of continual renewal and growth.

8. To provide opportunities to practice Catholic teachings.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Jenkins Deposition Exhibit 24 (excerpt at 13, section 2110 from Archdiocese Secondary Schools Handbook)

2110 TEACHERS

Teachers should, when possible, be Catholics who have a knowledge of and a commitment to the Catholic faith and to Christian living. In hiring non-Catholics, care should be taken that they be persons committed to a Christian philosophy of life and supportive of the Catholic philosophy which permeates the school.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Jenkins Deposition Exhibit 25 (excerpt at 17, section 2110.01 from Archdiocese Policies and Regulations for Elementary Schools)

2110.01 The Classroom Teacher

The classroom teacher is subject to the principal in all school matters and is obliged to observe all policies of the **Archdiocesan School Board**.

Teachers employed in the **Archdiocesan** schools should preferably be Catholics who have a knowledge of and commitment to the Catholic faith and to Christian living. In hiring non-Catholics care should be taken that they also have a knowledge of the Catholic faith and a commitment to Christian living.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Jenkins Deposition Exhibit 32 (excerpt at paragraph 41, "Prayer Table" subsection from Faculty Handbook of Our Lady of Divine Providence School)

41. PRAYER TABLE

Each classroom will have a small table with either the Old and New Testament displayed, along with only other religious articles deemed appropriate. It is the responsibility of the religion teachers to see that these table are erected and secure the articles for display.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Junkin Deposition - Sister Catherine Junkin was the Principal of Corpus Christi Elementary School

[Page 57: 11 to 58: 3]

Q. Does your religion course teach religion from the standpoint of a certain religious viewpoint?

A. Our religion course teaches religion from the standpoint, from the Catholic viewpoint.

Q. I assume you do have both Catholic and non-Catholic students that attend your school?

A. Yes.

Q. Is there any kind of requirement that students attend the religion classes?

A. When a parent registers at Corpus Christi School they are told that the child will attend all the classes. They do attend our religion classes.

[Page 58: 22 to 59: 1]

Q. Have you ever excused a child from attending religion because their parents did not want the child to be in a religion class?

A. No.

[Page 129: 23 to 131: 10]

Q. This network that you have, these computers which are Chapter 2 computers tied in the network with anything other than Chapter 2 computers?

A. I would think that some of the computers in one of these labs belong to Corpus Christi School and some belong to Chapter 2 and they are hooked into a network, yes. The network belongs to Corpus Christi School.

Q. Again you're going to have to forgive my ignorance, I don't know that much about computers. Is there a master computer somewhere in this network?

A. I call it a master computer.

Q. Where is that located?

A. It's locked up in a lab.

Q. Is that a Chapter 2 computer or is that one which is owned by Corpus Christi?

A. It fluctuates. If Chapter 2 breaks Corpus Christi goes in. If Corpus Christi breaks Chapter 2 goes to take over. It's not a big master computer. It is an ordinary forty-eight K and it sits there and the other computers that do not have a disk drive – the only way it's a network is because it has a disk drive and you can put commercial software in it or I can write my software and put it in the disk drive and send it to these terminals that do not have disk drives.

[Page 131: 11 to 14]

Q. You said that is under lock and key, where is that? Is that in your room?

A. That is in my office.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Kropog Deposition Exhibit 2 (excerpt including 2 pages of 82-83 Inventory and 84-85 Inventory of Chapter 2 items from St. Lawrence the Martyr School reprinted in text format and with omission of material in columns titled "PUBLISHER," "FS," "C," "RA," "OTHER," and "REMARKS" in original exhibit)

FS-Filmstrip
C-Cassette
RA-REcord

84-85 Inventory

Date: May 20, 1985

	DATE RECD.
Grimms Fairy Tales,	3/6/85
_____ Adv. of Lollipop Dragon (illegible)	4/9/85
Documents of Democracy	5/15/85
Ramona Quimby, Age 8	4/18/85
_____ Bedelia (illegible)	"
_____ of Worm (illegible)	"
Yankee Doodle Cricket	"
Curious George	"
Curious George Learns the Alphabet	"
Swiss Family Robinson	"
Bonus Gifts From Publisher: (Not included in allocation funds)	
Strange Encounters	3/6/85
Baby Animals In Rhyme & Song	3/6/85
Secrets of the Universe	"
Hero Legends	"
_____ Holiday Adv. of Lollipop Dragon (illegible)	"

Merry-Mouse Poems & Rhymes	"
Reading the Classics	"
_____ Mystery Adventures (illegible)	"
_____ of What-A-Mess (illegible)	"
Raggedy Ann & Andy & Pumpkin Who Couldn't Smile	"
St. Patrick's Day	"
Littlest Angel - Returned 12/11/85	"
_____ Gift (illegible)	"
Tortoise & the Hare	"
_____ Shape & Clumsy Car (illegible)	"
Children's Classics	4/9/85

Allocation:	$2399.76
Class Equipment	-1,000.00
_____ for Ins. Mat. (illegible)	1399.76
Supplemental All.	+1330.37
Carryover All.	+364.39
_____ for Ins. Mat. (illegible)	$3094.52

82-83 Inventory

Date: May 20, 1985

FS-Filmstrip
C-Cassette
RA-REcord

	DATE RECD.
Aesop's Famous Fables	3-14-83
Seasonal Adv. Lollipop Dragon	3-14-83
Merry Mouse Schoolhouse	3-14-83
Little Pine Tree	3-14-83
Linnie Witch	3-14-83
Fighting, Bullying, Gossiping, Teasing People	3-14-83
School Library Ad. Lollipop Dragon	3-14-83
Test Taking Adv. Lollipop Dragon	3-14-83
Holiday Adv. Ted E. Bear	3-14-83
Silent Night - Returned 12/10/85	3-14-83
Little Engine That Could	3-14-83
Baby King - Returned 12/10/85	3-14-83
Then Littlest Camel Knelt - Returned 12/10/85	3-14-83
Mary's Pilgrim Thanksgiving	3-14-83
Basic Shapes	3-14-83
Fir Tree	3-14-83
Little Match Girl	3-14-83
Emperors New Clothes	3-14-83
Thumbelina	3-14-83
Cinderbox	3-14-83
Ugly Duckling	3-14-83
Understanding Computer	4-05-83
Libraries are for Finding Out Card Catalog	4-05-83
Encyclopedia	4-05-83
Reference Books	4-05-83
This Way to Thinking	3-14-83
Probability Kit	3-14-83

Market Madness	3-14-83
History Quizzles	3-14-83
Using Your Head Creatively	3-14-83
Dealing With Decisions	3-14-83
News Kit	3-14-83
_____ High (illegible)	3-14-83
Computer Literacy	3-14-83

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Kropog Deposition Exhibit 8 (excerpt at pages 4 and 6 of 12/5/86 Chapter 2 book order reprinted in modified chart format and with omission of materials in columns titled "Publisher" and "No. of Copies" in original exhibit)

Jefferson Parish Public School System
Book Order

Page 4 of 6 pages

Parish:	Jefferson $1323.90
School:	St. Lawrence the Martyr
School Allotment:	$2016.00
Date:	12/5/86

LIBRARY BOOK ORDER

Author and Title	Unit Price	Extension
TOTAL CARRIED FORWARD		685.94
Travers, Mary Poppins in Cherry Tree Lane	10.95	10.95
Adler, Eaton Stanley and the Mind Control Experiment	9.95	9.95
Bishop, Hello, Mr. Chips:	9.95	9.95
Herman, Millie Cooper, 3B	9.95	9.95
Noble, Jimmy Boa Bounces Back	10.89	10.89

Author and Title	Unit Price	Extension
TOTAL CARRIED FORWARD		685.94
Mayer, There's a Nightmare in My Closet	10.89	10.89
Wilkes, C.L.U.T.Z. and the Fizzion Formula	10.89	10.89
Williams, Mitzi and the Terrible Tyrannosaurus Rex	9.95	9.95
L'Engle, A Wrinkle In Time	10.95	10.95
Wood, King Bidgood's In The Bathtub	12.95	12.95
Brooks, The Moves Makes the Man	12.89	12.89
Conly, Rasco and the Rats of NIMH	11.89	11.89
Hopkins, Lee, Best Friends	10.89	10.89
Hurd, Mama Don't Allow	9.89	9.89
A Child's Book of Prayers	11.95	11.95
Beaumont, The Mysterious Toyshop	13.50	13.50
Eagle, Mike, Marathon Rabbit	12.45	12.45
Bond, Paddington's Storybook	13.95	13.95
Ciardi, Doodle Soup	11.95	11.95
Kalb, The Easy Baseball Book	9.95	9.95
Lowry, Anastasia Krupnik	9.95	9.95
Lowry, Anastasia Has The Answers	12.95	12.95
Lowry, The One Hundredth Thing About Caroline	9.95	9.95
Lowry, Switcharound	10.95	10.95
Lowry, Taking Care of Terrific	8.95	8.95

Author and Title	Unit Price	Extension
TOTAL CARRIED FORWARD		685.94
Marney, The Computer That Ate My Brother	11.95	11.95
Peet, Bill, How Droofus the Dragon Lost His Head	10.76	10.76
Peet, Bill, Zella, Zack & Zodiac	12.95	12.95
Aaseng, Baseball: It's Your Team	8.95	8.95
Aaseng, Baseball: You Are The Manager	8.95	8.95
Aaseng, Basketball: You Are The Coach	8.95	8.95
Aaseng, Football: It's Your Team	8.95	8.95
Aaseng, Football: You Are The Coach	8.95	8.95
Gander, Artillery	9.95	9.95
Gibbons, Submarines	9.95	9.95
Hogg, Tanks	9.95	9.95
Ladd, Amphibious Techniques	9.95	9.95
Total		1085.53

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CANARY/PURCHASING FILE COPY
PINK/LIBRARY CONSULTANT'S COPY
GOLD/SCHOOL LIBRARY COPY

Jefferson Parish Public School System
Book Order

Parish: Jefferson $1323.90

School: St. Lawrence the Martyr

School Allotment: $2016.00

Date: 12/5/86

LIBRARY BOOK ORDER

Author and Title	Unit Price	Extension
TOTAL CARRIED FORWARD		1323.90
SUBSTITUTE LIST		
Adler, Samantha's Surprise, A Christmas Story	12.95	12.95
Adler, Samantha Learns & Lesson, A School Story	12.95	12.95
Adler, Meet Samantha, An American Girl	12.95	12.95
Tripp, Molly's Surprise, A Christmas Story	12.95	12.95
Tripp, Molly Learns A Lesson, A School Story	12.95	12.95
Tripp, Meet Molly, An American Girl	12.95	12.95
Shaw, Kristen's Surprise, A Christmas Story	12.95	12.95

Author and Title	Unit Price	Extension
TOTAL CARRIED FORWARD		1323.90
SUBSTITUTE LIST		
Shaw, Kristen Learns A Lessor, A School Story	12.95	12.95
Shaw, Meet Kristen, An American Girl	12.95	12.95
Tapp, Smoke From the Chimney	11.95	11.95
Albert, Code Busters!	10.25	10.25
McLerran, The Mountain That Loved a Bird	12.95	12.95
Cameron, More Stories Julian Tells	10.99	10.99
Walker, David, Double Dutch	11.95	11.95
Messenger, Helicopters	10.90	10.90
Petty, Sharks	9.40	9.40
Humble, Submarines	10.90	10.90
Branley, What Makes Day and Night	11.89	11.89
Branley, What The Moon Is Like	11.89	11.89
Hayes, You've Been Away All Summer	12.58	12.58
Alcock, The Cuckoo Sister	14.95	14.95
Giff, Mother Teresa: Sister to the Poor	9.95	9.95
McDonnell, Count Me In	11.95	11.95
St. George, The Mount Rushmore Story	13.95	13.95

Author and Title	Unit Price	Extension
TOTAL CARRIED FORWARD		1323.90
SUBSTITUTE LIST		
Cole, The Trouble With Dad	12.95	12.95
Sadler, Alistair's Time Machine	13.95	13.95
Blocksma, Amazing Mouths and Menus	12.95	12.95
Klein, People Might Hear You	3.95	3.95
Maestro, The Story of the Statue of Liberty	12.88	12.88
Freschet, Furlie Cat	11.88	11.88
Titherington, Pumpkin Pumpkin	11.75	11.75
Pryor, Rats, Spiders, and Love	11.75	11.75
Stevenson, There's Nothing To Do!	11.88	11.88
Highwater, I Wear the Morning Star	11.89	11.89
SUBSTITUTE LIST		
Total		1732.86

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Lewis Deposition Vol. I – Dan K. Lewis was Director of the Bureau of Consolidated Programs for the Louisiana Department of Education

[Page 45: 6 to 24]

Q. The third item is instructional materials. What do you understand to be included within instructional materials other – well, just explain that.

A. Here, I think we're talking about materials that were made to distinguish between library and media materials as materials that the teacher would use in the classroom itself: workbooks, maybe materials that the teachers would use to prepare themselves to utilize within the classroom. For example, it might be paper. It might be pencils. It might be things that they would produce themselves on paper using their reproduction facilities.

Q. Like spirit masters?

A. Sure. Yes, sir.

[Page 46: 16 to 48: 14]

Q. The next item is instructional equipment. What do you understand to be included within that category?

A. Anything that can be used in the instructional program as far as equipment. We define equipment in Louisiana, anything that has a value of more than two hundred dollars and will last a certain length of time and so forth.

Q. Can you give me some illustrations of equipment, instructional equipment that has been approved by this department for purchase under Chapter II?

A. The TV monitors, all the equipment that would go with the TV from the VCR to the cameras, to the recorders and so forth. You have computer equipment that can be used in an instructional program and all the software and hardware that goes along with that computer equipment. Your standard AV equipment, filmstrip projectors, projectors, overhead projectors. How am I doing?

Q. Well, you're doing pretty well.

A. Is that –

Q. That's pretty good. With reference to computers, let's just follow up on that for a moment. Do you have any requirement as to the type of computer equipment that can be purchased as long as it may be used for instructional purposes?

A. No, Sir, but I wish we did sometimes.

Q. Let me ask you this. If I would use the term "dumb terminal," – have you heard of that term?

A. Yes, sir.

Q. What does that term mean to you?

A. That means that that terminal is dependent upon something else to operate.

Q. Would you require that the computer equipment be a dumb terminal type computer?

A. No.

[Page 74: 10 to 17]

Q. Next paragraph reads, "Although the LEAs handle most of the administrative matters related to Chapter II, the non-public schools make the decisions about how to spend their Chapter II allocations, and they do so independently of one another." Is that an accurate statement?

[Page 75: 25 to 77: 15]

A. That's correct. I would say it's accurate.

Q. I would like to have you explain, as you understand, in the state of Louisiana during the period of time that the Chapter II program has been implemented under your supervision, how the decisions are made by the non-public schools with reference to the expenditure of the funds, if you know.

A. One of the documents that we provided to this whole situation was back – I don't remember back when. I think you have a copy of all of it. We provided it to all of our local districts. It's a document I have in front of me. They're guidelines which contains the legislation regulations, our guidelines, the questions, Q's and A's that are provided out of Washington and so forth.

One of our responsibilities at the state level as the administrator of this program is to teach and train and work with, in some instances cajole, our local school districts on what is and what is not allowable under the Chapter II program. It is their job to take that same information as best they can in their working relationship with the non-public schools and do the same thing with the non-public schools.

At the state level, when we are doing it, we involve non-public school representatives in that same training while we're working with the public schools. We are hopeful that that whole process transcends down to the local level into the non-public schools and will come back up in programs and activities that are

okay under the Chapter II guidelines. That's basically our process.

[Page 80: 13 to 82: 6]

Q. To your knowledge, do all non-public schools that are eligible in the sense that they are on the list and that they comply with the various requirements you've indicated and, I assume given assurances, have they all participated in the Chapter II program in Louisiana?

A. No, they have not.

Q. May they elect not to participate?

A. That's correct.

Q. Are there schools, to your knowledge, non-public schools, that would be eligible to participate that have not participated in the program?

A. Very few.

Q. Can you give me an illustration.

A. Episcopal High School in Baton Rouge.

Q. Do you have knowledge, has it been communicated to you as to why they do not participate?

A. They seem to have enough money to do the things they need to do without it.

Q. Have any non-public schools, to your knowledge, based upon representations they've made to you or to your department, indicated they do not wish to participate for some other reason?

A. Yes.

Q. And can you give me an illustration of that.

A. Control on paperwork.

Q. What do you mean by "control?"

A. They don't want the, quote, unquote, feds necessarily looking over their shoulder on what they're doing.

Q. Can you give me an example of a school that has indicated that?

A. Same school.

[Page 89: 13 to 90: 6]

Q. All right. Is the LEA in any way bound by information it receives from the LEA in determining what it will provide, what the LEA will provide to the non-public schools?

A. I don't think I understood your question.

Q. Well, for instance, if they require a needs assessment and they get back a document saying, "This is what we need," must the LEA take that in consideration in determining how the dollars are going to be spent for the children attending that non-public school?

A. The only time our local school districts have rejection rights over a non-public school's wish or a non-public school's use of the dollars, if it's in violation with the law.

[Page 101: 10 to 23]

Q. Now, you previously mentioned that one of the requirements, as I understand it, is that the equipment that's purchased may not be used for sectarian purposes?

A. That's correct.

Q. And the money must not be used for ideological purposes? Is that true?

A. That's correct.

Q. Now, let me have you take a look at any of these items that are on here. I guess you can pick about anything.

[Page 102: 2 to 104: 23]

Are we still referring to Exhibit No. 3?

MR. BOOTHBY:

Yes, Exhibit No. 3.

BY MR. BOOTHBY:

Q. How do you know that that is not going to be used for sectarian purposes?

A. We don't.

Q. Well, how do you enforce that provision?

A. Through the monitoring process as best we can.

Q. Tell me about your monitoring process. What monitoring process do you have that relates to that particular provision of the law which says that equipment may not be used for sectarian purposes?

A. Well, the first thing we have is we encourage our LEAs to get the non-public schools to sign a set of assurances to say that they won't.

Q. Now, are those assurances signed?

A. In many instances, yes. Not always.

Q. Why not always?

A. Because you can't force them to do it. It's kind of like having your child sign a slip of paper to take a field trip and you relinquish all rights. We encourage it to be done. We encourage the non-publics to do it, but they're not required to do it.

Q. In other words, the law you're saying, as far as you know, does not require that?

A. That's correct. Then the local educational agencies are responsible to make monitoring visits to that school. We make monitoring visits from the state level to the LEAs; and at the same time, we go in to some of the non-public schools. That's it.

Q. How often would you go to an LEA for a monitoring visit to any school? How often?

A. We do it, try to monitor a third of our school districts in the state a year.

Q. And let's say a school district like Jefferson Parish, would you hit that at least once every three years?

A. Yes, sir.

Q. And based upon your experience, how many non-public schools would you normally visit on a monitoring visit to Jefferson Parish once every three years?

A. One or two.

Q. How many public schools would you visit on that?

A. One or two.

Q. Would you under ordinary circumstances, in other words, without a complaint or some specific inquiry, go down in between that once every three years and monitor?

A. If we go into a school district and we find problems, we usually reschedule them for the next year.

[Page 105: 2 to 8]

Q. How often do you require your LEAs to make monitoring visits of the non-public school?

A. Annually.

Q. And how many times must they visit a non-public school annually?

A. We suggest at least once.

[Page 133: 4 to 7]

Q. What I'm trying to find is how does one check to find out if a piece of equipment is non-ideological or secular.

[Page 133: 14 to 134: 14]

A. I would say, probably, you would go in there unannounced and just go look and see where the equipment is being used.

Q. You would agree that you can't tell anything by looking at the equipment.

A. Absolutely.

Q. Now, I assume that it might be different with reference to books.

A. I'd say it's probably about as difficult.

Q. Why do you say that?

A. Because you can't always judge a book by its cover.

Q. Well said. in other words, a title might sound like a sectarian book and might not be a sectarian book.

A. That's correct.

Q. Something like angels or something like that. Is that true?

A. That's correct.

Q. And, on the other hand, it might appear to have a secular title and be very religious. Would you agree?

A. That's correct.

[Page 134: 21 to 135: 23]

Q. Sure. I'm just wondering if you give any kind of advice, let's say, in in-service training or somewhere, as to how your Chapter II coordinators in the various LEAs are to handle requests for books under the Chapter II program requested or received from non-public schools.

A. Sure. We tell them, just as I said a while ago, you can't always judge a book by its cover; and in a school district the size of Jefferson, Orleans, East Baton Rouge, and so forth where you have as many non-public schools, we say sample; and when you go out and monitor the schools, take a look at that time, too; but to expect a local school district to go through every book that non-publics order, no, we don't expect that.

Q. Now, the reason I ask that question is these books still belong to the public schools, don't they?

A. That's correct.

Q. Let me ask you this. What knowledge do you have of the books other than the title? Do you have any other knowledge at all other than the sampling?

A. At the state level:

[Page 136: 3 to 8]

Q. Let's say at the state level.

A. No.

Q. What I'm really trying to find out –

A. We don't even have titles.

[Page 136: 25 to 139: 25]

Q. Do you furnish the non-public schools with catalogs suggesting that they select books from those catalogs?

A. No.

Q. Now, you've suggested that on a monitoring visit, perhaps the monitor should check the books --

A. Very definitely.

Q. -- on the visit.

A. Yes, sir.

Q. Now, you have gone on these monitoring visits.

A. Yes, sir.

Q. You've gone in the libraries.

A. That's correct.

Q. How do you normally determine which of the books that are in the non-public school library are Chapter II books?

A. They have to be identified as such.

Q. And where are they identified?

A. All over.

Q. In what way?

A. They're stamped usually.

Q. So you're suggesting that, perhaps, they should go through and pull the books out from time to time?

A. Very definitely, yes, sir.

Q. Do you know if that is done?

A. We are told that it's done. We do it when we go out.

Q. How many books would you normally pull when you go into – let's say you go down to Jefferson Parish District once every three years, and you go to two of the schools. How many books would you pull out?

A. Oh, I'd say probably about five minute's, ten minute's worth.

Q. Ever attempted to calculate the chance of success in finding a sectarian book?

A. No. We did in Jefferson Parish, though. It just happened to be the one that I pulled out.

Q. And are you the person who actually found it?

A. Yes, sir.

Q. And once you did that, did you find out that in a number of the non-public school libraries, once you discovered that there were sectarian books or books that appeared to be sectarian?

A. I didn't, but I think that Jefferson Parish did.

Q. Do you have knowledge – and I realize you may not – as to how they went about trying to find out whether there were sectarian books in the library?

A. Yes, sir. Not only did they try to find out; but I think that John Rice sent all the non-public schools a letter suggesting that they find their own books; and the reason I think he did that is that many instances in the non-public schools, you have turnover of the primary people that are responsible for this program; and you'll usually find it as the librarians or media people. They have the turnover that the new people coming in are not always knowledgeable about the requirements of Chapter II.

[Page 146: 8 to 147: 3]

Q. Now, down at the bottom of Page 2, you have a section dealing with monitoring LEAs which says, "In lieu of monitoring one-third of the seventy-four LEAs in each of the next three years, we agree to increase the number of visits to one half of the LEAs. In this manner, the Chapter II staff will visit the LEAs onsite every year which should enable more thorough technical assistance and the ability to correct any problems in a timely fashion."

A. Yes, Sir.

Q. Were you able to do that?

A. We tried, and then we had to go back to a three year.

Q. Was that because of budgetary constraints?

A. It's because of the manpower. We just simply cannot do that many and be efficient.

[Page 164: 21 to 165: 7]

Q. What would you look for to find out whether funds are being used to aid a non-public school?

A. In other words, what would we look for H.?

Q. That's correct?

A. We'd look to see how and when the non-public schools were consulted with. We would look to see if they had an application that the non-public schools filled out. I think probably that would be basically it.

[Page 165: 22 to 167: 18]

BY MR. BOOTHBY:

Q. Well, mine says, "Did the LEA use Chapter II funds to meet the needs of children enrolled in private schools but not use funds for aiding the schools? Section 586; Section 298.29?"

A. That's correct.

Q. How do you know by looking at those documents whether the Chapter II funds are being used or not being used to aid the schools?

A. You try to look at the program on which the funds are being used.

Q. If you buy a computer and it's going in the school, how do you know that that does not aid the school?

A. You don't.

Q. Well, how can you say 56.8 or anything yes, no? This is your checklist, isn't it?

A. You try.

Q. Well, what I'm trying to find out, what do you look for?

A. Just what I told you. You have a program of the non-public school. You hope the program is meeting the needs of the children. You don't know if it's meeting the needs of the school.

Q. Are you merely saying that any time a piece of equipment meets the needs of children in school, it does not aid the school?

A. No, sir, I'm not saying that at all.

Q. Well, I'm confused.

A. Sorry.

Q. Perhaps you can explain that to me again because I really don't understand how finding out whether the children need that determines whether that aids or does not aid the non-public school.

A. I told you, I cannot determine that.

Q. So how do you –

A. I don't know that there's a process yet that that can be determined.

[Page 168: 25 to 169: 15]

Q. Well, are you aware, as, at least, indicated here, that there is a federal regulation within Chapter II's regulation that indicates that LEAs may not use Chapter II funds for aiding the schools, non-public schools?

A. I think over the years and with the decisions that have been handed down and the tests, yes, sir, we're very much aware of that.

Q. All right. And all I'm really trying to find out – and I realize the problem – but I'm trying to figure out how you go about at least attempting to enforce that regulation.

A. Okay.

[Page 169: 21 to 170: 24]

The test for that is usually not at this point in time, to be honest with you. The true test for that is when the applications come in, okay? At that point in time, we review how, as best we can, the non-public school money is being sent. For example, if we saw salaries under the non-public school category, that alerts us. That says, okay, let's take it a step further. Let's find out why we're going to be paying salaries in a non-public. Is it going to be after school? Is it going to be during school? Are they proposing to go hire a substitute teacher? Is it going to be on the weekend? Just why are we paying what we are paying? Because theoretically we should not be paying any salaries in the non-public sector, okay, unless it's after school or on the weekend. But that's about it. We can't pay a person to work in that school that's hired by the non-public school. So as we go through the budget, as we review the application, that sends out flags, okay? We take care of the flag at that point in time. When we go onsite

to monitor with this instrument, we have that application there, too; and we take another look.

[Page 180: 1 to 16]

Q. Let me ask you. What is the effect of that assurance other than a statement of good intent?

A. That's it.

Q. Do you ever try to enforce the assurances from the non-public schools?

A. No. No.

Q. Have you known of any instance where you've threatened a non-public school for violating any of the assurances they've given?

A. No.

Q. Do you know whether they've ever violated any of the assurances?

A. No.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Lewis Deposition Exhibit 4 (excerpts at page from Archbishop Blenk High School responding to questions 7 and 8; letter from Our Lady of Perpetual Help School dated June 4, 1985, page 1; and St. Christopher School statement from Diane Howard)

7. Chapter II funds have enabled us to increase our collection of library books to comply with A.L.A. standards. It has helped to build up weaker areas of the collection and to keep up with changing interests, and curriculum needs. It enables us to have more up-to-date materials and to replace lost books each year.

8. The purchase of Chapter II-funded science books has had great impact on the science program. Current encyclopedias and reference books have allowed our librarian to make up-to-date information available to the students for reference work and to the teachers in planning their class objectives and activities.

Careful selection of books has provided a broader scope of topics available to teachers enabling them to enrich their own subjects, to correlate science courses with other departmental disciplines, to guide students toward science vocations, and to encourage science avocations.

Teachers may request certain books to be put on reserve for science student use and may bring their class to the library to work as groups whenever necessary.

Anna M. Johnson/Teacher

OUR LADY OF PERPETUAL HELP SCHOOL
530 Minor St., Kenner, La. 70062

June 4, 1985

ECIA Chapter II Evaluation Report

Archdiocese

1. If your program objective is the same as that submitted by the Archdiocese (see Attachment 1), please indicate. If your program objective is different, please state the objective and briefly state how the need for this objective was determined.

1. The Archdiocese of New Orleans (Non-Public Schools) is committed to the development of programs designed to provide for the emotional, physical, mental and moral well-being of its students. In conjunction with these system-wide goals, non-public personnel in this Chapter 2 grant application seek to acquire school library resources and instructional materials and equipment to meet the needs of students and teachers in the elementary and high schools. In addition, these system-wide goals are directed to the improvement of library programs, increased reading ability of students at all grade levels and availability of instructional aids to teachers.

2. The need for assistance to acquire materials of instruction is predicated on the many requests from principals and teachers in addition to the individual schools' needs assessments for the purpose of meeting standards for school library media programs.

3. The Archdiocese of New Orleans (Non-Public Schools) is acutely aware of the cost of materials of instruction (i.e., A/V materials, equipment, library resources) to enhance the opportunity for the academic growth of students as well as the

need to provide information and services to facilitate essential programs among students in the pursuit of creative options relative to the many facets of learning.

Our program objective is the same as that submitted by the Archdiocese.

As a means of improving student instruction, Chapter 2 funds for next three years will address the following goals:

1. To expand school libraries into learning resource centers by increasing the instructional materials and equipment made available to students and teachers in support of instructional programs.

2. To provide books and printed materials in school libraries which are selected on widely differentiated reading levels for students and teachers in support of instructional programs.

3. To increase the availability of holdings of 16 mm films, books, audio-visual materials and instructional equipment.

ST. CHRISTOPHER SCHOOL

3900 Derbigny Street
Rectory (504) 837-8214

Metairie, Louisiana
School (504) 837-6871

Audio-visual materials are a very necessary and enjoyable tool used when teaching young children. As a second grade teacher I use them in all subjects and see a very positive result.

Diane Howard
Second Grade Teacher

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Lewis Deposition Exhibit 9

LOUISIANA DEPARTMENT OF EDUCATION
ECIA, CHAPTER 2
MONITORING FORM 1, 1985

LEA: 37 LEA onsite visits completed FY covered: 1985

SDE Monitor(s): Dr. Dan K. Lewis, Dr. Dee Jones Adams, Mrs. Doris P. Johnson, Dr. John W. Day, Mrs. Andrea B. Brown and Mr. Ed Griffin

Review Date: February—April, 1985

LEA personnel participating in review: Chapter 2 contact persons at each LEA and related LEA nonpublic personnel

I. EXPENDITURES:	YES	NO	N/A
A. Is there evidence in the LEA to indicate that funds are allotted according to needs? Sec. 561; Sec. 298.3	81%	13.5%	5

Comments: Formal documentation was not always available on the need assessment or process to determine how Chapter 2 funds would be expended

B. Is the LEA using Chapter 2 funds for activities consistent with the purposes of ECIA, Chapter 2, and as set forth in its application? Sec. 561, 566; Sec. 298.10	94.6	-0-	5

Comments:

II. NON PUBLIC EXPENDITURES/ CONSULTATIONS:			
A. Did local educational agency provide for systematic consultation with parents, teachers, administrative personnel and other groups deemed appropriate? Sec. 566; Sec. 298.7	65	35	-0-

Comments: Most LEAs consulted with only some of the groups listed herein and consultations was not always systematic. LEAs often used existing parent groups (which is acceptable), but there was not always documentation that Chapter 2 was discussed.

B. Is there evidence that the LEA consulted with private school officials regarding the development and implementation of the Chapter 2 program before the LEA made decisions? Sec. 586; Sec. 298.22	50	10	40

Comments: Often nonpublic assurances, narratives, record of meetings, and correspondence were not on file.

C. Is the LEA providing for services to the nonpublic schools on an equitable basis? Sec. 586; Sec. 298.21, 298.24	59.5%	-0-	40

Comments:_____

_____

D. Are these services consistent with needs of the nonpublic schools? Sec. 586; Sec. 298.24	54	2.7	43

Comments: Some LEAs encouraged the use of equipment, others discouraged the purchase of instructional workbooks despite the nonpublic schools' expressed needs.

E. Are all of the private eligible school children given the opportunity to participate in the Chapter 2 program? Sec. 586; Sec. 298.21, 298.23	51.4	-0-	48

Comments: Some LEAs provided weak documentation on contact(s) with the nonpublic sector. It is recommended that certified letters be sent, meetings be held and documented, and records be kept on file for each eligible nonpublic school.

F. Are these services provided with persons independent of the private school? Sec. 586; Sec. 298.21	43.2	-0-	56

Comments:_____

_____

G. Are the services, materials, equipment, or other benefits provided to nonpublic schools secular, neutral, and non-ideological? Sec. 586; Sec. 298.21	56.8	2.7	40

Comments: A system to monitor nonpublic schools was often not in operation and therefore the LEA did not always know: (a) what was purchased or (b) how it was utilized.

H. Did the LEA use Chapter 2 funds to meet the needs of children enrolled in private schools, but not use funds for aiding the schools? Sec. 586; Sec. 298.25	56.8	-0-	43

Comments:_____

_____

III. SUPPLEMENT/SUPPLANT:	YES	NO	N/A
A. Is there evidence that the program is supplementary to the regular program? Sec. 585; Sec. 298.13	97.3%	2.7%	-0-
B. Is there evidence that the expenditures are supplementary to the regular program? Sec. 585; Sec. 298.13	94.6	5.4	-0-

Comments:_____

_____

Comments:_____

_____

IV. EQUIPMENT/INVENTORY:			
A. Are purchases consistent with authorized activities and with the LEA's application plan? Sec. 566, 571, 576, 577, 582	91.6	2.7	5

Comments:_____

_____

B. Are all equipment and supplies (both public and non-public) under the administration, direction, public supervision and control of the LEA? Sec. 585; Sec. 298.13	86.5	8.1	5

Comments: One LEA had no inventory process for nonpublic equipment, another no centralized procedure for ordering materials and equipment, i.e., submission of purchase order to central office for approval prior to sending to vendors. It was recommended that the Chapter 2 contact person sign all public and nonpublic requisitions.

C. Are materials, equipment, and supplies purchased with Chapter 2 funds being used for stated Chapter 2 purposes only? Sec. 561; Sec. 289.10	89.2	5.4	5

Comments. Some LEAs did not have a monitoring process in place to assure proper expenditure of Chapter 2 funds.

D. Do equipment records provide for description, serial numbers, acquisition date, cost, location and condition data? Sec. 566; Sec. 298.15, 298.27	73	18.3	8

Comments: Not all LEAs were keeping both a central inventory and a school inventory of equipment. Condition of items was not regularly recorded.

(1) Are all equipment and materials purchased with Chapter 2 funds permanently identified as such? Sec. 566; Sec. 298.27	65%	24.3%	10

Comments: Not all inventory was marked with "ECIA, Chapter 2," the LEA name, and the inventory control number. These are important for the purpose of identification and control of assets.

(2) Do records include equipment used in nonpublic schools? Sec. 298.27	51.4	2.7	45

Comments: Some LEAs had record of purchase orders, but no inventory of nonpublic equipment.

V. SUBCHAPTER A PROGRAMS:			
A. Did the Local Educational Agency choose a Subchapter A program? If yes, answer question letter B	18.7	32.4	48

B. Does Subchapter A program include the format as required under Sec. 571, 572, 573?	37.5	25	37
(1) Diagnostic assessment?	50	-0-	50
(2) Goals and objectives?	37.5	25	37
(3) Preservice and inservice training for teachers, administrators, aides, and other support personnel	57.1	-0-	42
(4) Activities for parents?	42.9	14.2	42
(5) Testing and evaluation of program effectiveness?	42.9	14.2	42

Comments: Some LEAs were implementing programs under Subchapter A, B, or C, but their application/updates did not accurately reflect this. Also, LEAs with Subchapter A programs often did not meet the specific requirements outlined above.

VI. PROGRAM ADMINISTRATION:

A. Does the LEA Application/Update on file adequately describe the overall program as observed? Sec. 566; Sec. 298.3	83.8	13.5	2

Comments: The application/updates could not possibly capture the creative, innovative aspects of the LEA, Chapter 2 programs.

B. Were services, materials, equipment received in a timely manner to benefit the participants? Sec. 298.3, 298.9	75.7%	24.3%	___

Comments: In most LEAs, materials, supplies and particularly equipment was not being received early enough in the fiscal year for the public and nonpublic child related problems, schools not

sending in requests early enough or general administrative procedures. It is recommended that all LEAs make every effort to receive and process purchase orders earlier, perhaps before the end of the previous fiscal year. A list of requested items in heirarchal format, would be helpful to facilitate this.

C. Have all budgeted positions been filled in a timely manner to meet the program's timelines? Sec. 298.3	54.1	2.7	

Comments:_____

_____

D. Does the LEA have a surplus of Chapter 2 funds that exceeds the amount necessary to operate project for the current fiscal year? Sec. 298.9	13.5	86.5	

Comments: Some LEAs had excessive carryover amounts each fiscal year, did not send in applications/updates until December, or request all funds late in the fiscal year. It was recommended that administrative policies and procedures be revised to carry out the program in a more timely fashion.

E. Have the required audits been performed? Sec. 564; Sec. 298.16. 298.17	37.8	59.5	

Comments: Audits were, in most cases, in process.

References to Sections (561, etc.) are taken from ECIA, Chapter 2 legislation, P.L. 97-35.

Statute references to Section 298 are taken from 34 CFR Part 298, The Final Regulations for ECIA, Chapter 2, Vol. 47, No. 224, issued Nov. 19, 1982.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Lewis Deposition Vol. II

[Page 39: 7 to 13]

Q. Mr. Lewis, the draft guidelines have been marked as Lewis Deposition Exhibit Number Twenty-eight. Looking at that document, is there a section that deals with monitoring?

A. Yes, sir.

[Page 40: 3 to 41: 24]

Q. On that page there is a Subsection E, "Public and Nonpublic Visits."

"If the Chapter Two Program includes projects that would best be viewed at a school site, a visit to a school should be arranged, or school personnel could be called to the meeting location. If there are eligible nonpublic schools participating, a visit to one of them is requested. Any visits should be made to those schools in close proximity to the location of the meeting."

Now, are you suggesting that there would be only – What do you mean by a visit to only one of them? You mean only one of the nonpublic schools should be visited on a monitoring?

A. Usually that is all we have time for.

Q. So this is basically a direction to your state people as to what they should be monitoring?

A. And it's telling the whole school system what we are expecting to see, yes, sir.

Q. What do you mean in the last sentence where it says, "Any visits should be made to those schools in close proximity to the location of the meeting"?

A. If they are not having any problems, we would like to keep our travel time to a minimum. Keep travel time to a minimum. If they are having a problem area, then we will go ahead and take the time to do the travel.

Q. And you are suggesting that a meeting should be set up at one of the nonpublic schools, if possible, and your state person would then go on-site?

A. That's correct.

[Page 43:7 to 45:24]

Q. Based upon your new guidance, what is it that is contemplated by your department to determine, or to monitor whether the control over the property is maintained by the LEA?

A. I am not sure I understand the question.

Q. It says, "Does the LEA keep title to and maintain continuing administrative direction and control over funds and property that benefit nonpublic students?"

What is it that you would be looking for, based upon these draft guidelines, to ensure in your monitoring process that the LEA has kept not only title, but also maintained continuing administrative direction and control over the property like a computer?

A. Well, we would like to see -- to make sure that the nonpublic schools have an inventory, that nonpublic schools are using it for instructional purposes, that nonpublic schools maybe are not allowing it to go home and stay for long periods of time in somebody's residence, for whatever reasons, that it is not being

used for religious purposes; basically, generally control within the legislation.

Q. Now, would you go down to Item Number Eleven. That one states, "Are the services, materials, equipment, or other benefits provided to nonpublic schools secular, neutral and non-ideological?"

Do you see that statement?

A. Yes.

Q. How would your state people, as you understand these draft guidelines, monitor that particular item, and let's say as it relates to a computer?

A. Well, you could probably go in and take a look at where the computer is located. He would probably take a look at the software that supports it, talk to the nonpublic school people a great deal on how it is used, what their intent is in the use of it. You would talk to the local school people about how they understand the equipment is being used. I guess that is pretty much it.

Q. Is there any way that you would know how you would monitor to determine whether the school has at some point in time diverted it for sectarian use?

A. No, there is no way.

[Page 53: 21 to 54: 18]

Q. Now, you just mentioned a little while ago about supplementing rather than supplanting. Do you recall that?

A. Yes, sir.

Q. Is that part of your monitoring requirement also, to make sure it is only supplementing and not supplanting?

A. Yes, sir.

Q. In a nonpublic school, how would your monitoring process contemplate determining whether the program is supplementing and not supplanting?

A. Our monitoring process, from that standpoint, would be from the public school system primarily because they have that responsibility more so than we do.

Q. And how do you expect that they would monitor that?

[Page 54: 25 to 56: 6]

A. We in-service our public school districts and their administrative responsibility for these funds. And in all of our in-service programs, we go over constantly tests of how to determine if something is supplanting and so forth, as well as we have the responsibility to oversee the public and the nonpublic. But since the nonpublic applications don't roll up to us, then it's our responsibility to in-service them so that they can make that judgment when they are dealing with the nonpublic.

Q. Well, do you expect for them to ask questions, for instance, of the nonpublic schools as to what programs they have operated with in the past?

A. Sure.

Q. And other than asking questions, is there any other way that you know that LEA can determine whether it is supplementing or not supplanting?

A. No. The supplement supplant is usually -- Sometimes it's very clear, and other times the only way you can get to it is by questions.

[Page 58: 25 to 59: 25]

Q. Now, is there anything in these draft guidelines that address that particular question?

A. Yes. We talk about supplement/supplanting within the guidelines. But again, on the application that the nonpublic school submits, it must assure us now that they are not going to supplant.

Q. Is there anything that talks about the assurances in if draft guidelines?

A. No. I think the assurances basically speak for themselves. We hope they are that clear.

Q. By "assurances," are you talking about a written document?

A. We are talking about a series of statements that the person that is participating in the program must sign off on, whether it be a nonpublic or public.

[Page 60: 1 to 62: 25]

Q. Has that been put in written form yet, those assurances?

A. Yes, sir.

Q. Are those assurances different than the assurances that we previously discussed in your earlier deposition?

A. I would imagine they are different, yes, sir.

Q. Do you have a copy of those assurances?

A. They are in this document here (indicating).

Q. Can you tell me what page it is on?

A. There would be a set of assurances under the public school application. There would be a set of assurances under the nonpublic school application.

Assurances would be on page twenty-eight and page eight-five.

Q. Could I see the one for nonpublic, please.

A. (Witness complies.)

Q. Now, as I understand it, that particular assurance is to be signed by – Looking at the assurance for the nonpublic schools, is that to be signed by a representative or the nonpublic school?

A. Yes.

Q. And when is that to be signed, at what point in time?

A. When they submit their application.

Q. Now, if they do not submit that, would that – As far as you are concerned, would that cause their application to be rejected?

A. We haven't had to test it because usually everybody submits it, and in the final analysis, if somebody said they did not want to submit this, we would probably encourage them to. But legally, I don't know if that can constitute a nonapplication.

Q. As I recall your previous testimony, it is requested, but that is as far as you have gotten up until this point?

A. Most of our nonpublic schools – In fact, all, to my knowledge, of our nonpublic schools that participate in the program are willing to sign these assurances.

Q. Now, your testimony, as I recall last time, was that you have never, at least up until the point of your last deposition, attempted to take any action against nonpublic school for violation of the assurance.

Do you recall that testimony?

MS. DEAN:

Object to the question. His prior testimony speaks for itself.

[Page 63: 13 to 64: 14]

Q. Have you ever taken any action against a nonpublic school for violating a written assurance?

A. Well, we had a situation, for example, here in Jefferson Parish whereby some of the materials that they had purchased could be inferred that they were not secular, neutral, and nonideological, whereby the materials were gathered from all of those schools. So if that constitutes action, I guess we did.

Q. Was that based upon the assurance that you did that?

A. No. It was based upon the nonpublic schools were not to be buying that type of materials.

Q. You continue to supply the Chapter Two materials to those schools that had purchased materials that you ultimately determined was not appropriate?

A. Certainly. We feel that the mistake was in good faith.

[Page 66: 7 to 11]

Q. Do you know whether you would be empowered to cut off the Chapter Two program in the event a nonpublic school had breached the assurance?

[Page 66: 23 to 67: 5]

A. I think the first thing we would look for would be why was it breached, and if we felt that it was done intentionally, I think we could probably have the authority to cut off the funds, just like we could cut off the funds to a local school district.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Murphy Deposition – Alvin Murphy was the President of Archbishop Chappelle High School

[Page 24: 18 to 22]

Q. In the classroom buildings, the buildings where there are classrooms, are there religious symbols that are located at various points?

[Page 25: 4 to 22]

A. Yes, sir. In each classroom there is a crucifix. In each classroom there is a statute of the Blessed Mother, and there are crucifixes and statutes throughout the school building.

Q. Can you tell me your understanding as to why those religious symbols are located in those various rooms?

A. My own appreciation of it is that I think it serves as a constant reminder to me of my beliefs, my values, my desire to live a certain type of oral value-oriented life. It serves as a measure of motivation to achieve and be as good a citizen as I possibly can be.

[Page 26: 20 to 27: 5]

Q. As I understand it, would you have a certain number of minutes per day where you have religion class taught?

A. Yes.

Q. Would you expect that your teachers in other classes, classes other than the religion or theology class, would not mention or bring into play religious discussion?

[Page 27: 12 to 25]

A. Our teachers, whether they are religion teachers or not, are certainly instructed that when issues come up in the classroom that have a religious, moral, or value concept, that their answers be consistent with the teachings of the Catholic Church and that they respond in that way to the students, so that there can be opportunities in other classes other than religion where discussion of religious could take place, yes, sir.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Woodward Deposition Vol. I – Ruth M. Woodward was in charge of Chapter 2 for the Jefferson Parish Public School System

[Page 37: 6 to 13]

Q. Now, in that particular category, Library and Media Materials, is there some method by which, prior to their making application, they would know what library and media materials are available within that category?

A. By their own perusal of magazines, not magazine, catalogs.

[Page 37: 17 beginning with new sentence to 38: 19]

A. Would they have gotten anything from me, as far as library/media material is concerned, about what to order, what not to order? No, I would not have provided them any catalog in which to order.

Q. Is there any predetermined approved list that is supplied to the parochial and other private schools for them to review prior to the selection process?

A. No. No specifics. We have book jobbers that we contract within the public sector each year. And, those are the only people appropriate to service for book orders.

Q. Now, within this category, Library/Media Materials, can you tell me what the scope of that classification is, in other words, what that would include, normally?

A. Books, AV aides.

Q. What is that?

A. Audio visual aides, such as cassette recordings, film strips, slides, things of that nature.

Q. Now, what is your understanding as to the appropriate use of those materials once they are selected and distributed to the non-public schools?

[Page 39: 4 to 23]

A. They use the materials, the library/media materials, according to their project plans.

Q. Do they submit project plans to you in advance?

A. Yes.

Q. Does that come in with the application itself?

A. Yes.

Q. Is there some type of an approval process, after the applications are received, to determine whether those particular projects are acceptable or not?

A. Yes.

Q. Can you tell me who is involved in that approval process?

A. The Archdiocese. They are read first by Mr. Fine, who is well-aware of the guidelines. Then they are read by me. The others are read by me, alone.

[Page 43: 17 to 44: 6]

Q. Is there any provision by which a student, as distinguished from, I'm now talking about a non-public school student, as

distinguished from his school, may participate in a Chapter 2 program if the non-public school elects, either by its silence or by more direct means, not to participate?

A. To my knowledge, there is no provision.

Q. Have you ever served a non-public school student whose school has not elected to be a participant in the Chapter 2 program?

A. No.

[Page 67: 2 to 70: 22]

BY MR. BOOTHBY:

Q. I don't want to be unfair. Let me ask it in a different way. I realize that it's somewhat of a difficult question to answer in the way I asked you. Did you ever review the materials that are placed on the, whatever you call it, order form, or whatever it is you get, your request form?

A. How do you define "review"? Review the order form, or the material itself?

Q. Either one.

A. The order form, yes.

Q. When you look at the order form and you see, for instance, a book with the title on it and it's from a popular publisher that would not necessarily cause you to understand that it might be sectarian content, is there anything that you would do to make a determination as to whether it includes any sectarian or values clarification information or materials?

A. Other than title?

Q. Right. Other than just looking at the title.

A. When the book orders are reviewed, no.

Q. Is there some process that, at some point in time, would cause you to look at something other than titles of, let's say, for instance, if it's a book that is being ordered?

A. No.

Q. Have you ever found a title of a book which did not trigger in your mind this might include some sectarian material, which later on you did, in fact, discover contained what, at least you concluded, might fall within the category of religious or values clarification materials?

A. No.

A. No.

Q. Have you ever had a complaint brought to you by anybody that materials had been purchased that contained either religious or values clarification information or material?

A. Only during the monitoring visit by my director.

Q. Who is your director?

A. Dan Lewis.

Q. He is from the State?

A. That's correct.

Q. When did this monitoring visit occur?

A. 1985.

Q. Do you have a copy of that report?

A. You do, somewhere.

Q. I have marked a letter as Plaintiff's Exhibit 4. This letter is a letter dated April 26, 1985 from a Dan K. Lewis, Director of Consolidated Educational Programs, addressed to Mr. Anthony Chimento, Superintendent for the Jefferson Parish School Board. Is this the letter that you just referred to as the monitoring report or letter?

A. Yes.

Q. Now, was it at this time that you received some information that sectarian materials had been purchased with Chapter 2 funds?

A. During the monitoring visit itself.

Q. Is there a reference to that particular happening in this particular report?

A. 16.

Q. 16. And, that would be on, actually, the third page down in the report; is that true?

A. Correct.

Q. That states, "Are the services, materials, equipment, and other benefits provided to non-public schools secular, neutral, and non-ideological"; is that right?

A. That's correct.

Q. There is an "X" under the "No" column. Then there is a comment that says, "In the future, caution should be taken to insure that books and materials purchased are secular, neutral, and non-ideological." That's what is stated in that report; is that true?

A. Correct.

[Page 72: 8 to 74: 17]

Q. In the course of discovering that purchase, however, was there any discovery made with reference to whether books that might be categorized as sectarian or ideological were, in fact, purchased with Chapter 2 funds?

A. Yes.

Q. How did you go about learning or discovering that information?

A. Pulling the records from 1982.

Q. By "pulling the records", what --

A. The book orders.

Q. Book orders from all of the non-public schools, or from --

A. Yes. All of the non-public schools.

Q. Did you pull any of the book orders from the public schools at that time?

A. We don't order books.

Q. The books are only ordered for non-public schools?

A. Correction. We order books, but they are computer books.

Q. Other than computer books, you don't order library type books for public schools?

A. No, we don't.

Q. Under the Chapter 2 program?

A. Exactly.

Q. Once you pulled those documents, what did you discover?

A. That there were, indeed, some titles that, by the nature of the title, would be in violation of this guideline.

Q. Can you give me an illustration?

A. The "Illustrated Life of Jesus" was pretty obvious.

Q. Now, did you find other titles that gave you similar concern?

A. Yes.

Q. Were the problems that you located isolated to one school, or did you find them in more than one non-public school?

A. More than one.

Q. Can you give me any kind of an estimate as to either how many or what percentage of the non-public schools were participants, at least one or more of those kinds of publications?

A. The only statistic that comes to mind is less than one percent of the total allocation over all those years. Without checking that, I would have to say probably, out of the then forty, now it's close to forty-five non-public schools, fewer than half, and possibly even less than that, but I would have to check.

[Page 74: 22 to 24]

Q. Sure. Okay. Do you know how many books were involved, approximately?

A. 191, approximately.

[Page 78: 16 to 79: 24]

Q. Now, who, in addition to yourself, went through the titles of the books on documents that were pulled?

A. The clerical staff.

Q. Now, are you distinguishing clerical staff from other personnel that you might have under your supervision?

A. Uh-huh (affirmative reply).

Q. So, how many do you have, or did you have, at that time, in your clerical staff?

A. Two plus, with the Spanish titles, we enlisted bilingual people, et cetera, so I can't -- there were others involved.

Q. By "clerical", are we now talking about the secretarial help that you had?

A. Yes.

Q. Did you give them any kind of instruction as to what they should look for, for instance, in the title?

A. Yes.

Q. What kind of instruction did you give them?

A. The same kind that I give to the non-public. If you even think there is anything other than, tell me about it.

Q. Other than secular, you mean?

A. Right. They told me about some that were not, for example, I think there were a couple in Spanish that were perfectly fine. It's just they looked as if they might not be, so.

[Page 83: 13 to 15]

Q. At any point in time during this process, triggered by this monitoring report, did you go beyond looking at titles?

[Page 83: 23 to 85: 2]

A. No.

Q. At any point in time, have you gone beyond looking at the titles to make a determination as to the contents of the book?

A. No.

Q. Do you know if anyone within Jefferson Parish goes through that process with reference to Chapter 2 purchases?

A. Not to my knowledge.

Q. For instance, if you received a purchase order of a book that appeared to be a history book, would there be any process by which one would look to see whether it gives a particular sectarian slant to history?

A. A process in place?

Q. A process in place, right.

A. No.

Q. Do you know if anyone goes through the process at all within the Jefferson Parish School System?

A. I have no knowledge of that.

Q. Would it be a fair statement, that if a title of a book did not contain words that would lead one to believe that it may be or may have sectarian or ideological content, that there would be nothing that would trigger review of that particular book?

[Page 85: 7 to 8]

THE WITNESS.

No.

[Page 85: 19 to 86: 14]

A. I refer to a letter that I wrote to Mr. Fine and carbon copies to his principals involved and to the non-Archdiocese schools. And, if you will remember, I said that, my words were, I can only surmise by title.

Q. Right. So, basically, if it's not in the title, that's the end of the matter, as far as you're able to handle at the present time?

A. Correct.

Q. Now, I assume that there are things other than books, for instance, according to that first classification. That might be an audio visual type, maybe a tape?

A. Yes.

Q. Is there any process by which those are reviewed in content to determine whether they are secular and non-ideological?

[Page 86: 18 to 19]

THE WITNESS:

No.

[Page 86: 21 to 89: 21]

Q. Are you always acquainted with either the books or other audio visual material that are ordered under the Chapter 2 program?

A. All together, no.

Q. I will assume some of them you would be familiar with?

A. Yes.

Q. Do you know what percent of the total purchases you would have knowledge of and which ones you would not have knowledge of, as best you can? I realize it may be a very difficult question.

A. Extremely difficult. I would be able better to tell you at some concrete -- tell you from nineteen "X" to whatever, starting with the first year of the second third-year cycle, which was my total responsibility. I would say a third, conservatively, a conservative one-third.

Q. One-third you are, or are not familiar with?

A. Are.

Q. This Exhibit 4 again. That document was transmitted, at least it appears to have been transmitted in April and received on May 1st of 1985. Has there been, subsequently, any additional -- do you know whether Mr. Lewis has conducted any additional monitoring of the books or other materials purchased by the school district under Chapter 2?

A. No.

Q. Now, after you received this monitoring report sometime after May 1, 1985, on that date or thereafter, and this monitoring

report, as you pointed out, under 16, advised caution in the future with reference to the secular, neutral, non-ideological content, what process or procedure did you put in place, in addition to going through the books that had already been purchased, to screen out, perhaps, purchases that might be made in the future?

A. Continual reference to the letter of May 10th, to the guidelines in all correspondence, which might result in orders.

Q. Now, when these orders come in, and I may have asked you this question, but I'm not certain I did with reference to this, do you review each of the titles of the books and other materials that are received by your office from the non-public schools?

A. Yes.

Q. You, yourself?

A. Yes.

Q. So, you have not delegated that responsibility to any of your other staff people?

A. No.

Q. Would you then be the sole determining factor as to whether to question a title that comes through from the non-public schools?

A. Yes.

Q. You're the one that makes the judgment call as to whether to make further inquiry?

A. Yes.

Q. Have you found reason to make further inquiry with reference to any books that were purchased after that last review that you made, where you pulled the documents?

[Page 89: 25 to 90: 24]

THE WITNESS:

I delete the entries. The non-publics know this, that I pick up from their substitute list. I simply don't inquire. If, in my judgment, it's inappropriate, I strike through it and away we go. That's it.

BY MR. BOOTHBY:

Q. Have you ever, I'm now talking about subsequent to May 1, 1985. Have you ever looked at a title and come to the conclusion that you didn't know, one way or the other, whether it might be secular or not?

A. Yes.

Q. When you did that, did you just cross it out?

A. Yes.

Q. You didn't make further inquiry?

A. No.

Q. Have you ever had a situation where you have looked at it and decided to check it out?

A. No.

[Page 92: 4 to 19]

Q. Now, for instance, and we're going to get into this in more detail. For instance, computers are purchased under the program, are they not?

A. Correct.

Q. As I look through the materials, apparently, slide and movie projectors are purchased; is that correct?

A. Yes.

Q. Overhead projectors are purchased; is that true?

A. Yes.

Q. Is there any way that you would know that, for instance, an overhead projector is not used for the teaching of religion in a non-public school?

[Page 92: 23 to 94: 24]

THE WITNESS:

No.

BY MR. BOOTHBY:

Q. An overhead projector, are you acquainted with the overhead projectors that are being purchased under the Chapter 2 program?

A. I'm acquainted with overhead projectors. Linkage would be the same.

Q. What I'm trying to find out, is there something peculiar about these projectors, that would not permit a teacher to put a picture of the Virgin Mary and project that upon the screen?

A. No.

Q. Is there anything at all about the equipment that would prevent an overhead projector purchased with Chapter 2 funds to be used to display religious materials on the screen?

A. I would like to be able to check those guidelines, because the intention of this is that the use is also prohibited. That has always been the intent of. The whole thrust would be that it should never, anything purchased should never be used for purposes other than in accordance with those instructional goals, which would not include the teaching of religion, et cetera, et cetera.

Q. I do want you to refer to the guidelines at some point. My question, however, deals now not with instructions received, but from the equipment itself. And, I'm wondering if there is anything about the equipment, that you can think of, that conceivably would prevent that equipment from physically being used, as distinguished from somebody exercising their judgment not to do that?

A. No.

Q. Do you have any kind of a monitoring program to insure that some school is not going to use or has not used the equipment that you furnished under Chapter 2 for the religion classes, for instance?

A. In the monitoring instrument I use, which is similar to the monitoring instrument used by the State agency, that's one of the points, and, again, it's self-reported.

[Page 95: 11 to 100: 19]

Q. While that document is being copied, perhaps I can ask you a few questions and come back to that. You apparently, from what you just indicated, have some type of monitoring process to monitor the program as it is being administered within the non-public schools.

A. Yes.

Q. I assume part of the monitoring process would include this orientation session, where you describe what your requirements are; is that true, or not?

A. I think perhaps the monitoring process is discussed at orientation, rather than being part of.

Q. Okay. Then, how do you actually operate the monitoring program itself?

A. On site visits.

Q. Now, do you have staff people do that, or do you do that?

A. I do that.

Q. Is there anyone on staff that assists you in the monitoring visit?

A. No.

Q. Do you normally go to each of the non-public schools during the course of a year?

A. Yes.

Q. How many schools do you currently have?

A. Forty-five, this fiscal year. Next fiscal year, I think, forty-seven.

Q. Sometime during the school year, you would go to each of those schools and monitor them on site?

A. Right.

Q. Approximately how long would a monitoring visit take?

A. I have to preface my answer with, the people at the sites have the letter that you're going to see, says I'm coming. Here is the way it's going to happen. You need to have these things in place, make sure they are available, et cetera, and, depending on the organization at any particular site, forty-five minutes to two hours.

Q. Who do you normally see at the site?

A. The contact person. In most instances, the principal will accompany the contact person.

Q. Would you normally check the materials and equipment that have been purchased with Chapter 2 funds while you were on site?

A. Random sample, yes.

Q. By "random sample", what do you mean?

A. It would be a matter of my saying to them, in this particular order that I have in front of me, I would like for you to show me this piece of equipment, this audio visual, et cetera, et cetera.

Q. When you take a look, what do you look for?

A. To make certain that it is appropriately labeled with a Chapter 2 stamp and seal. That the recordation of use is attempted. That is, if it were in the case of a library book, check to see how many people are using it, that kind of business.

Q. How about in the case of an overhead projector? What kind of record of use would you look for?

A. Sign-out sheets from the library.

Q. Do you have a record of use, for instance, for an overhead projector when it's used by a classroom teacher?

A. I would look to see if there was, indeed, an attempt to record use. That would be my whole objective.

Q. Is there a form that you use for them to register the use of --

A. No.

Q. -- of any materials?

A. No.

Q. Okay. What else would you look for, as far as the materials and equipment are concerned?

A. I just look down at this checklist and I have --

Q. Why don't we mark this.

A. I have amended that.

Q. Let's now look at what has been marked as Plaintiff Exhibit 5. Do you have the original of this document, which is a letter with attachment, the letter being dated April 17, 1985 from Ruth Woodward to principals of non-public schools participating

in the ECIA-Chapter 2 program, and the attachment being what appears to be a monitoring checklist for 1985?

A. Yes.

Q. You were about to make reference to this checklist; is that true?

A. Correct. I amended it last year to include recordation of use. And, I believe I put that under Number 2 or 3. I'm not certain which, now. But, they were to have a record of usage.

Q. Let me just go down the checklist with you, if I may. I realize you may have already responded to some of these. For instance, Item Number 1, "Material/equipment purchased is being used in accordance with the Chapter 2 plan submitted." What, in your monitoring visit, would you do to establish whether the answer to that is yes or no?

A. The contact person would have in his/her possession their copy, his/her copy of the project, the goals, the objective, the whole business. We would look at that and talk about the use as it applies to that original intent.

Q. Would there be any way to ascertain, from this on-site visit, whether the material or equipment purchased are used not only in accordance with Chapter 2 plan submitted, but for other purposes, also?

[Page 100: 23 to 101: 7]

THE WITNESS:

No.

BY MR. BOOTHBY:

Q. Do you understand the question?

A. The question is, would I be able to ascertain, from my visit there, if the materials, supplies, equipment were being used for any purpose other than what was stated by said school. No.

[Page 101: 8 to 103: 21]

Q. Now, when you make your visit, what would be the norm? Would you normally find that the materials and equipment are, in fact, used in accordance with the Chapter 2 plan?

A. Yes.

Q. Have you found a situation where they are not?

A. Best of my recollection, no.

Q. The answer to that is, in almost every instance, yes?

A. Correct.

Q. If you found there was a situation where they did not, do you have a policy in place that governs what you then do if the answer to that is no?

A. No set policy.

Q. Do you have any guidance as to what you should do if the answer to that is no?

A. I would certainly commit to writing and talk with my supervisor here, and certainly the director in Baton Rouge.

Q. Do you have any guidance that restricts the use of materials and equipment purchased to only the projects that have been approved?

A. Yes. Through the guidelines.

Q. Would that be something that the agreement would be in this letter of assurance?

A. Yes.

Q. We'll get to that in a moment. Let's go to Item Number 2 on the monitoring checklist. That item says, "Material/equipment is being used for secular, neutral, and non-ideological purposes." Now, when you make your on-site monitoring visits, how do you make the determination whether the answer to that is yes or the answer to that is no?

A. Through a conversation with the contact person.

Q. Would it, in most instances, be the principal?

A. I can't say most. In many instances, it would be the principal.

Q. Would it either be a principal or teacher?

A. Librarian, generally.

Q. Other than receiving some kind of an oral response from that individual, would there be any other way that you would attempt to verify the answer to that question?

A. I have a problem with "attempt."

Q. Take out the word "attempt." To verify that information?

A. No.

Q. Do you know of any other way that you could attempt to find the answer, other than by accepting the comment or statement by the contact person?

[Page 103: 25 to 104: 1]

THE WITNESS:

No.

[Page 104: 3 to 14]

Q. Have you ever been told by the contact person that the materials and equipment that have been purchased with Chapter 2 funds and furnished to them is being used for other than secular, neutral, and non-ideological purposes?

A. No.

Q. Would you say that in every instance you're told that they are only used for secular, neutral, and non-ideological purposes?

A. Yes.

[Page 104: 15 to 105: 1]

Q. Let's go to 3, "Material/equipment is inventoried." When you make your on-site visit, how do you make a determination as to whether the answer to that is yes or no?

A. Most of the persons involved keep a listing, either data base that indicates "Chapter 2" beside the entry or a separate data base that would be only Chapter 2.

Q. Did you review that, then?

A. Yes.

[Page 105: 17 to 106: 6]

Q. Let's go back to paragraph, or Item 3. Have you ever found, in making that check, that there were materials or equipment that were left off the inventory?

A. Yes. I would categorize it as sloppy organization.

Q. I'm not suggesting that they did it wrongfully. But, you have found there have been instances where that has not been carried out a hundred percent?

A. Yes.

Q. What do you do in that situation?

A. Explain, suggest procedures, and return to see if they're in place.

[Page 111: 12 to 17]

Q. Now, when you're asking, you actually ask them a question that would contain a query about whether the materials and equipment are, in fact, being used for secular, neutral and non-ideological purposes; is that what you would ask?

[Page 111: 21 to 22]

THE WITNESS:

Yes.

[Page 112: 11 to 113: 2]

Q. What I'm trying to find out, and I'm not trying to mislead you, I'm really trying to find out how far you pursue that particular question. I assume you run down through this during

the forty-five minutes or two hours that you're there and you're asking questions and looking around; is that true?

A. And, we also are working together with their original plan.

Q. What I'm really trying to find out is what device you use. Do you have any kind of device at all that you use to kind of test their responses to you, to find out that they not only are truthful, and I'm not suggesting that anybody is not truthful, but whether they understand what you're asking?

[Page 113: 9 to 19]

A. Yes. In light of all of the orientation, all of the correspondence.

Q. Would you agree with me, and I know there will be another objection. Would you agree with me that the question of what is secular and not secular may differ according to whether you are a provard (phonetically spelled) hand judge in Alabama or somebody else that may have conflicting or difference of opinion as to what is secular and sectarian?

[Page 114: 12 to 21]

A. If you were my contact person, I would say to that person, we have gone over your plan. Tell me how these materials, supplies, equipment, pieces of equipment are being used to support that plan. Let's go back to, I would remind you of the guidelines, not for use for religious purposes, or by religion teachers, and what have you, and that you're in compliance with that guideline.

[Page 116: 3 to 117: 1]

BY MR. BOOTHBY:

Q. Now, would it be your view that a church-affiliated school that would teach the creation concept of the origin of man, that if they used an overhead projector, that would be a violation, or not a violation of the required secular, neutral, and non-ideological purpose or use of the materials?

MR. GRANT:

Object to the form of the question. You're asking her a hypothet. And, you're asking her whether the overhead projector was purchased by Chapter 2?

BY MR. BOOTHBY:

Q. Yes. I'm not asking whether it was purchased. I'm assuming that it was purchased by Chapter 2. And, my question is whether it were used in a church-affiliated school to teach the creation theory of the origin of man, whether you would view that as a secular or sectarian use of that equipment, just so I understand your terminology?

[Page 117: 8 to 22]

THE WITNESS:

Let me pull it in my own words. You're saying to me, would I view it as a violation if the overhead were used to present materials relevant to, fill in the blanks for me.

BY MR. BOOTHBY:

Q. The creation concept of the origin of man.

A. Yes.

Q. Now, is there any way, do you ever ask that question of a church-affiliated school, as to whether they use it for that purpose?

A. No.

[Page 117: 25 to 118: 15]

Q. What is your interpretation of the term "secular, neutral, and non-ideological"?

A. Yes, as far as I've answered before. And, I'm going back to the specifics and admonition, if one is in doubt about any piece of requisition support of the plan, not to do it.

Q. But, do you have anyone come in, for instance, and discuss what might be sectarian and what might be secular?

A. No.

Q. Now, as I understand it, you do have a periodic visit, at least once a year, to each of those schools on site. Do you normally have more than one visit for the purpose of a monitoring visit?

[Page 118: 19 to 119: 14]

THE WITNESS:

Yes.

BY MR. BOOTHBY:

Q. How many times would you normally monitor a given school during the course of a school year?

A. A single visit. If I found that, if I were not satisfied with what I viewed and the procedures used, I would go through the

suggestions for bringing that particular school into better compliance, more neatly packaged compliance, and I would schedule a second visit. Or, in case if I felt a third, two weeks apart, were needed, I would do that.

Q. How often have you had to follow that process?

A. Four times.

Q. During the course of how many years?

A. Two years.

[Page 120: 6 to 121: 11]

Q. Now, did you ever make any unscheduled on-site visits for the purpose of going through a checklist?

A. No.

Q. Do you ever make any unscheduled on-site visits, period?

A. No.

Q. So, how long in advance of your visit do you normally send out a notification that you're going to be on-site?

A. It varies, depending on my public sector workload. If I have time, probably a month. If things don't work out that way, the letter may go out two or three weeks ahead of time.

Q. Would there at least be a week's notice, in any event?

A. Yes.

Q. Do you, when you make this on-site visit, would it be usual for you to talk to anyone at the site, other than the contact person?

A. Usual.

Q. Usual. I mean, other than pleasantries, other than "good morning."

A. No.

Q. That's usually a forty-five minute to two-hour visit with your contact person?

A. Correct.

[Page 123: 7 to 124: 15]

Q. I will withdraw the question. What guidance do you give with reference to access to the equipment, once it is placed in the non-public school?

A. The same guidance that we find in the guidelines, which is that neither the use, the purpose, or the use of it should be anything other than in compliance with.

Q. What I'm trying to get at, though, do you require, however, that it be placed so that nobody would be able to go to, let's say, a closet, without the permission or the knowledge of the person who has general charge of it, and get the material and equipment out?

A. Would require as in written guidelines?

Q. Yes.

A. No.

Q. Okay.

A. Well, may I take that back a little bit. The written guidelines provide them, right here on the face of the letter. And,

other than that, no. I don't say, Sister, whatever you will – Sister has this in her hand. She understands our intent and she understands that they should insure that the equipment and materials are used for Chapter 2 purposes and are used for secular, neutral, and non-ideological purposes. And, beyond that, of walking in and saying, you will keep all Chapter 2 materials behind this door, with a lock only unto yourself, no.

[Page 125: 3 to 16]

Q. Let me ask it in this fashion. I will withdraw my other question. As I understand, it is the librarian who, many times, is the contact person; is that true?

A. Right.

Q. The librarian, many times, is the one that has the general control of the material or equipment; is that correct?

A. Yes.

Q. Do some of the projects involve the actual direction of the project, the implementation of the project, by someone other than, for instance, the librarian, like the teacher?

[Page 125: 22 to 127: 1]

A. I understand. That's possible.

Q. What I'm trying to find out, is there more than one person at the school that might be directly involved in the use of the materials or equipment, in addition to the person who you would normally look to as having control of that equipment or material?

A. Yes.

Q. Now, is there a process that you have devised to insure that that person knows what they are supposed to do, as far as carrying out the guidance that has been given to them?

A. No.

Q. Do you ever talk to them and ask them the questions, for instance, Item Number 2, whether the materials and equipment are being used for secular, neutral, and non-ideological purposes?

A. There have been occasions that I have spoken with teachers who happened to be in the library, but, no, I don't seek them out.

Q. In other words, there may be people that really, at some point, have a legitimate reason to have the equipment that you do not discuss Item Number 2 with?

A. Correct.

[Page 130: 14 to 132: 2]

Q. Now, with reference to the process of determining whether you're going to expend Chapter 2 funds to acquire instructional equipment for non-public schools, what is the process that goes on in order to, from the time you get the first request until the time it's purchased and delivered, what is the process that goes on to determine whether you're, in fact, going to get it or what you're going to get?

A. After I'm given the allocation by the State and I have determined the number of eligible participants, then an allocation is sent to each of the schools, along with ---

Q. Let me stop you there. When you say "an allocation," you're told how much they can spend?

A. Yes. Goes to each of the non-public schools. And, procedures for ordering are outlined for them. Earlier this morning, I mentioned the book order forms and the audio visual equipment list, which is a compilation of pieces of equipment that we have on the single bid within the public system that is in effect for a year from date of approval. And, they check off the equipment list what they want. They order from the book jobbers or from suggested vendors what they want. Then those are sent in to me.

Q. Before you go any further, so I'm clear, would you actually, for instance, go to, I'm just picking a school out at random, St. Louis King of France School and give them a notification that they have "X" amount of dollars they can spend under the Chapter 2 program?

A. Yes.

[Page 132: 6 to 137: 12]

BY MR. BOOTHBY:

Q. Would you then indicate to them whether they have any kind of limitation as to dividing those dollars between the library/media materials and, let's say, for instance, instructional equipment?

A. No. I believe the form reads that you purchase in support of your project plans.

Q. You control it by controlling the project plan?

A. Yes.

Q. Now, who originally comes up with the project plan?

A. The sites, the individual sites.

Q. Non-public schools?

A. Correct.

Q. Again, going back to your prior testimony, is the project done or determined on an annual basis, or every three years?

A. Every three years.

Q. So, the non-public schools, every three years, they tell you what their project is and they basically tell you what they need to get in order to carry out that project; is that basically it?

A. For the particular upcoming year.

Q. They do it every three years and every year besides?

A. They must declare continuation. And, at that point, if there is an amendment, it's appropriate to send it.

Q. Who is it that decides, in implementing that project or in carrying out the project, how much money is going to be spent for library books and media materials or how much is going to be spent for instructional equipment?

A. The Advisory Committee at the site.

Q. So, that would be a committee that the non-public school people put together?

A. Yes.

Q. Do you have any input as to who will be on that committee?

A. Just, at the top of that, you will notice that assurance must be given that teachers, parents, administrators, and that is just a repeat of the guidelines.

Q. But, you can't name any of the people?

A. No.

Q. They have to name the people themselves?

A. Yes.

Q. Going down, I interrupted you and I'm sorry. With reference to this instructional equipment, as I understand it, you would then, for instance, of the schools that are within the Archdiocese, you would receive annually from Mr. Fine, what would it be, purchase orders, or some kind of request for purchase?

A. I would receive annually from each of those schools, through Mr. Fine, orders on a book order form or check-off on an AV pamphlet.

Q. Then, when you get that, what, if anything, do you do in the process of making a determination as to whether the item or items should be, in fact, purchased?

A. It has been consistent over the years. The same kinds of items are repeated, expansion of library, expansion of computer availability. If there were anything out of sync with the majority of the way the plans are written, it would register with me after having gone through the process.

Q. Can you ever recall turning down a request for the purchase of instructional equipment during the time that you have served as coordinator?

A. Wiring for St. Martin.

Q. You want to expand on that?

A. I had judged wiring not to be a violation, because the wiring, to me, could be removed from the facility. It was going to be a matter of connecting videos. The State, when it was sent to the State, they rejected it, because they felt it was too much of a permanent installation. So, that was one item.

Q. Have you ever rejected any yourself?

A. Not equipment.

Q. Anything else?

A. Well, certainly, some of the books.

Q. But, none of the instructional equipment?

A. No. It's pretty generic.

Q. When they are ordered, do they order a specific brand, or is that left to your judgment, discretion?

A. Generally, they order from our AV list, which would indicate, for example, Dukane. The brand name just comes to mind. They would order by Apple or IBM, but that would come from what we give them.

Q. So, you give them books that would have certain brands, but they are basically free to select what brand they want, Apple, for instance, or IBM?

A. Instructional equipment, yes.

Q. When it is ordered, it's actually ordered through the school district, through their regular Purchasing Department?

A. Once we have the orders, the requisitions are attached and forwarded to the Purchasing Department, and there we go. The orders then are received by the people in our warehouse and

checked against the requisition, labeled appropriately, and disbursed, distributed to the school.

[Page 139: 15 to 142: 6]

Q. Let me ask you this. Is there any kind of instructional equipment that you maintain any kind of maintenance or service policy on?

A. None.

Q. Is there any kind of equipment that you repair or service on behalf, since it's your equipment?

A. None.

Q. Have you ever had a situation, to your knowledge, where there has been some type of repair needed on any of the equipment purchased?

A. No one has asked.

Q. Is there an understanding, have you given instruction as to what they should do, by "they," the non-public schools, in the event there is a repair or maintenance problem?

A. That's the site's responsibility.

Q. Even though it's your equipment?

A. That's correct.

Q. Do you designate, at some point in time, what the usable life of the instructional equipment is?

A. There is an Office of Management & Budget circular. I can't remember the number on that particular circular. It details what one is to do. But, translated freely, it simply says that if the

materials, supplies, or equipment have been consumed, or out of date, worn beyond repair, as long as there is a recording of it on file at the local agency headquarters here, then, generally speaking, they could do away with. I don't know anyone that has done away with anything, at this point. As we go through the years, that is going to become a concern. Right now, in the fifth year, it hasn't been.

Q. What do you understand at least the policy to be, that at the point in time where a computer, because of technology, for instance, has reached the end of its usable life? Do you get that computer back? Would that be your understanding of the policy?

A. I don't know that anyone has presented that in one, two, three-step terms. I would anticipate that the equipment or material, supplies out of date and no longer feasible to repair would be returned to the school system.

Q. Let me ask it in this fashion. Perhaps it is the fairest way to ask you. At least to your knowledge, has there ever been any instructional equipment ever, once distributed to the non-public school, ever returned to the public school?

A. No.

Q. Let me make that clearer. Once you have given that or turned over that equipment to the non-public school, you have never gotten back the equipment; is that true?

[Page 142: 10 to 142: 20]

THE WITNESS:

No.

BY MR. BOOTHBY:

Q. Now, with reference to books and media materials, have you ever known of any of those items to be returned by the non-public schools?

A. None, other than with the exception of the recall books.

Q. Yeah. The 191 books.

A. Yes.

[Page 144: 7 to 18]

Q. Let's go back to your computers. Let's go right to the very first, what appears to me to be, the first item of instructional equipment. It doesn't seem to be paged, but John Curtis Christian Academy.

A. That's correct.

Q. And, it shows, basically, nine computers being purchased. Is that what you understand that to show?

A. Yes. The second entry is a computer plus Imagewriter printer.

[Page 145: 1 to 13]

Q. I would like to ask you some questions about computers. Where are the computers, if you can say, normally? Where are the computers normally kept in non-public schools?

A. A lab setting.

Q. So, they normally are in a specific room, a lab room, for use by the students; is that true?

A. Yes.

Q. Would there be a person in charge of that lab, normally, within the school?

[Page 145: 20 to 25]

THE WITNESS:

Yes.

BY MR. BOOTHBY:

Q. To your knowledge, would that normally be the same person as your contact person?

[Page 146: 4 to 21]

THE WITNESS:

On the overall, there are fewer schools than one would imagine ordering computers. In those instances, that person with lab responsibilities, in most instances, would be someone other than my contact person, in the schools that have major labs.

BY MR. BOOTHBY:

Q. Now, I'm, truthfully, not very knowledgeable about computers. But, let's at least explore the type of computer that is recorded for John Curtis Christian Academy. Is there anything, that you know of, that would prevent that computer from being used for other than some secular courses of instruction?

[Page 147: 5 to 150: 24]

A. As the unit is described here, translating that system would be a disk drive, a keyboard, and a monitor. The second

would be the same, with the addition of a printer. As described here, the answer to the question is no.

BY MR. BOOTHBY:

Q. Do you ever provide software to the non-public schools?

A. Yes.

Q. What type of software would you find acceptable to supply to non-public schools?

A. Supplemental to the instructional program, identified instructional program, in the instance of math, science, language.

Q. Now, again, realizing that maybe neither one of us are very expert in computers, but do you have knowledge as to whether an Apple II computer could be used, for instance, to run off a church bulletin? If you don't know, you can say that.

A. I would like for you to repeat that question.

Q. Would an Apple II computer, which is listed here, to your knowledge, be a type of equipment that one could, if they wanted to, run off, let's say, for instance, a church bulletin, print a church bulletin on it?

A. Yes.

Q. Could one print almost anything they wanted to on it, or type, whatever you do with a computer?

A. Yes.

Q. Do you know what I mean by a "dumb terminal computer"?

A. Yes.

Q. This is not a dumb terminal computer type of thing, is it?

A. It's a stand alone computer.

Q. Which means whatever the operator puts into it, it will spit back?

A. As long as it's in that operating system, that's right.

Q. What, if anything, do you do to monitor that type of use, of, let's say, a computer?

A. Would you define "type."

Q. By "that type of use," I mean some teacher sitting down and running off a church bulletin.

A. Nothing.

Q. Do you know of any way that you could prevent that, other than by agreement?

A. Yes.

Q. All right. What would you consider as a means to prevent that?

A. A mini at the central office, down loading to dump terminals.

Q. Do you have such an arrangement, currently?

A. No.

Q. Is one contemplated, or is that contemplated?

A. We would have to save our money, which we are not allowed to do under Chapter 2 guidelines, for at least three cycles to effect that.

Q. Do you know if there are any plans to do just that?

A. In Chapter 2?

Q. In Chapter 2.

A. None at present.

Q. I'm marking as Exhibit 6 the John Curtis Christian Academy assurance. I'm now looking at Plaintiff Exhibit 6. Is this, what would you call it, application request?

A. This is the consultation assurance and portion of the application request, the narrative.

Q. And would apply to what ultimately wound up as being the item which we have just been discussing in Exhibit Number 1 for John Curtis Christian Academy?

A. Yes.

Q. Where is that shown in Exhibit Number 6?

A. That they are, indeed, in Exhibit 6, they present their needs, their objectives. And, the support equipment would be the computer.

[Page 151: 24 to 153: 21]

Q. No, I'm not trying to do that. Let me start over again. Taking a look at Exhibit Number 6, what, in that particular document, caused you to come to the conclusion that it was an acceptable project?

A. I came to the conclusion because there were eight people who decided that this was appropriate use of the funds and that, generally, they are saying they have had no computer literacy for their students. Then it's appropriate use of funds, because it's not in a supplant stance. They give objectives and activities, the way they're going to use it, and they are specific about that. There would be no valid reason for rejecting it, as opposed to its being a shining example.

Q. You used a term, and, as I understand it, it's a term that is used in guidance and statute, that is, "it did not supplant." Would you tell us what you mean by that?

A. Both public and non-public sectors understand that we're in violation of the supplement, not supplant, guidelines if we were to replace any service, equipment, material, or supplies that had originally been purchased with, one, local money, two, State money. We can, if it was originally funded and never been touched by other money, if it were originally funded with federal monies. Supplant would be to buy new typewriters which had been purchased originally with State funds.

Q. Assuming that a non-public school came to you and they had money available under allotment and they told you that they wanted computers to teach, to instruct in computer literacy.

A. Yes.

Q. And they weren't replacing equipment which they had previously obtained, it was a brand new program and they had, say, eight people on their consultation roster which agreed with it, would you, at any time, reject such a request?

[Page 154: 9 to 156: 17]

Q. I'm asking you to assume that it was not to supplant; it was only to supplement a program, in other words, a brand new program, in this case.

A. Yes.

Q. Assuming there is no problem with that, and they came to you and they said they wanted to teach computer literacy, and they had never done it before and they needed eight computers, and it appeared as though there were enough students that might require that many computers and they had enough money available in their allotment, is there anything in your policy or guidelines that would permit you to stay no to that?

A. Only if I had knowledge other than what you described. I would like to point out again, as in sex, religion, and all of those kinds of issues, the supplant issue is dealt with specifically, time and again.

Q. What I'm really trying to find out, so that you know exactly where I'm coming from and what I'm trying to find out, do you view your role as the coordinator as having responsibility to determine whether a determination made by non-public schools as to a program that they want to institute is a good program or a bad program for them?

A. Good and bad.

Q. Good and bad, in the sense that there are other things maybe they could spend their money on that would be more profitable for them?

A. I wouldn't know that, any more than I would know --

Q. What I'm trying to find out is, as a coordinator, you second guess the type of program that they want to put in place, as long as they have sufficient monies and they are no supplanting.

A. As long as they have followed the procedure, the guidelines, and compliance, no.

Q. What do you understand to be the significance of this consultation roster?

A. That the principal is not making all of the decisions. And, in the federal handbook, the regulations themselves, that's set forth as a vehicle to involve others in the process.

Q. Now, looking at Exhibit Number 6, what is there on there, other than some names typed in, that tells you that someone other than the principal was involved in making the determination?

A. Nothing.

[Page 164: 19 beginning with third sentence of paragraph to 166: 7]

Is the non-public application form for Westbank Cathedral Academy, is this the form that would indicate the explanation for the purchase of a card reader?

A. Yes.

Q. What is the explanation?

A. They wished to extend their AV equipment. And, I don't have the academic programs. And, they intend to provide in-service programs that will train faculty and staff. This type of in-service will assist teachers not only in the operation of the equipment, but also, should read, in the selection of software that we will relate to the school curriculum. Now, it seems to me that if they are going to in-service staff audio visuals and periphery, which could possibly mean periphery here, and, obviously, we took it to mean that what they are doing is training their teachers in the state of the art. If they are, indeed, doing that, they would use -- the card reader would be inappropriate.

Q. Can you tell me, again, what a card reader is?

A. A card reader, it is -- I just want to call it by name. A Chadwick card reader would be marked, say, for inventory purposes or diagnostic purposes, giving students a skill, assessment. And, the student marks it on this, bubbles it in on a mark sensitive sheet, which is then fed into the card reader, which could then, indeed, tell the teacher exactly what skills are not up to par, and would be diagnostic in nature. Since they have said they are going to enhance their curriculum, there would be no reason not to accept that as an enhancement.

[Page 180: 21 to 181: 23]

Q. Now, we had previously asked for monitoring reports issued by the United States Department of Education for monitoring the Jefferson Parish School Board for compliance with requirements of Chapter 2 from January 1, '81 to present. My understanding is there are no such monitoring reports; is that correct?

A. Correct.

Q. I think you also indicated that you had not been monitored, to your knowledge, by the United States Department of Education.

A. That's correct.

Q. Have you received any notification of any prospective monitoring by the Department, the U.S. Department?

A. None.

Q. Do you have any information as to what the normal practice is, by the United States Department, as to monitoring?

A. Monitor the State agency, who, in turn, monitors the local agency.

Q. Is it your understanding that they do not monitor, by "they," I'm talking about the United States Department, they do not monitor the local?

A. To the best of my knowledge.

[Page 199: 14 to 200: 16]

Q. My next question is whether you have any knowledge as to whether the School Board, the elected School Board, participates, in any way, in the process of determining what books or what equipment will be provided to the non-public schools?

A. Only in the area of computers. The operating systems of IBM or Apple, specifically, the PRO-DOS operating systems, are the ones that will be offered only this year. No Commodore, because the standard is MS-DOS.

Q. That's to keep the computers compatible?

A. Yes.

Q. Going now to books and other instructional materials, does the Board, the elected Board, have any involvement in determining what will be received by non-public schools?

A. No.

Q. Moving from the Board now to the school district. Other than what you have already testified to, does the school district have any involvement with reference to the instructional materials and books that will be furnished to non-public schools under Chapter 2?

[Page 201: 7 to 10]

THE WITNESS:

Okay. Does the school system, in any way, shape, or form, play any part, other than my representation? None.

[Page 207: 8 to 24]

Q. Very early in your testimony this morning, if you recall back that far, you were discussing the purpose and requirements of Chapter 2. Do you recall that? There was a discussion of money allocated under Chapter 2 to purchase equipment, money allocated under Chapter 2 for the benefit of public school children and private schools, non-public school children. Just to set the record straight, none of the money is given directly to either, the public school, the individual public school, or the private school; is that correct, in the form of cash?

A. Right.

Q. Or a check?

A. Right.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Woodward Deposition Exhibit 2 (excerpt regarding nonpublic participants 1986-87)

4/01/87 Nonpublic Participants 1986-87

School

Archbishop Blenk High School
Archbishop Chapelle High
Archbishop Rummel High School
Archbishop Shaw High School
Chinchuba Institute
Christ the King School
Concordia Lutheran School
Faith Lutheran School
Hope Haven/Madonna Manor
Immaculate High School
Immaculate Conception
John Curtis Christian School
Juvenile Court Services
Lutheran High
Magnolia School
Metairie Park Country Day
Our Lady of Divine Providence
Our Lady of Perpetual Help
Our Lady of Prompt Succor
Ridgewood Preparatory School
River Oaks Hospital School
Salem Lutheran School
St. Agnes School
St. Angela Merici School
St. Ann School
St. Anthony School

St. Benilde School
St. Catherine of Siena School
St. Christopher School
St. Clement of Rome School
St. Cletus School
St. Edward the Confessor
St. Elizabeth Ann Seton
St. Francis Xavier School
St. Joseph School
St. Joseph the Worker School
St. Lawrence the Martyr
St. Louis King of France
St. Martin's Episcopal School
St. Mary Magdalen School
St. Matthew the Apostle
St. Philip Neri School
St. Rita School
St. Rosalie School
Visitation of Our Lady
Westbank Cathedral Academy

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Woodward Deposition Exhibit 3

THOMAS G. CLAUSEN
Superintendent of Education

P.O. Box 94064
Baton Rouge, LA 70804-9064
1-800-272-9872

May 10, 1985

TO: Chapter 2 Contact Persons

FROM: Dan K. Lewis, Ed.D., Director, ECIA Chapter 2

SUBJECT: The Computer Literacy Requirement and the Limitation it places on the use of ECIA Chapter 2 Funds for Computer Purchase

The Louisiana State Board of Elementary and Secondary Education has recently adopted a policy that requires a one-half (½) unit course in computer literacy (computer science or data processing) for graduation. This policy is effective for the 1985-1986 incoming freshmen. In the past three years Chapter 2 funds have been greatly utilized to purchase computers. However, with this new ruling requiring computer literacy for graduation, ECIA Chapter 2 funds may not be used to purchase computers to meet this new state standard.

As you know, federal funds must be used to supplement and not supplant local and state efforts. It is considered supplanting to expend federal funds to meet state standards. (Refer to page 9 of the ECIA Chapter 2 Guidelines – General Use of Funds/Fiscal Requirements – for definitions and examples of supplanting.)

Chapter 2 funds may be expended on computers for other local Chapter 2 programs, but not to meet the requirement for graduation. Therefore, placement of computers, uses of computers, and so forth, will be carefully monitored during the application and monitoring processes.

As a reminder as you prepare your Chapter 2 application, the use of Chapter 2 federal funds to purchase religious, ideological, sex education or values clarification materials and supplies is not permissible.

If Chapter 2 office may be of further assistance to you, or if you have any questions regarding the development of your Chapter 2 application, please do not hesitate to call us.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Woodward Deposition Exhibit 5

JEFFERSON PARISH PUBLIC SCHOOL SYSTEM
519 Huey P. Long Avenue – P.O. Box 130
Gretna, Louisiana 70054-0130
(504) 367-3120

Anthony P. Chimento
Superintendent

April 17, 1985

TO: Principals of Nonpublic Schools Participating in the ECIA – Chapter II Program

FROM: Ruth Woodward
Coordinator, Chapter II

THROUGH: Louis Cheraie
Director of Alternative Programs

SUBJECT: Monitoring Visits
April 25, 1985 Meeting

Monitoring Visits

Recently I participated in an inservice presented by the Bureau of Consolidated Educational Program (BCEP). In a review of the revised guidelines, LEA's were advised to visit nonpublic schools as explained by this excerpt from the guide:

April 9, 1985
Chapter II Monitoring Visits
and April 25, 1985 Meeting

Control of Funds, Equipment and Supplies

The LEA must keep title to and exercise continuing administrative control of all equipment and supplies that the LEA acquires with Chapter II funds. While the LEA may place equipment and supplies acquired with Chapter II funds in a nonpublic school, the LEA must ensure that such equipment and materials: (a) are used for Chapter II purposes; (b) are used for secular, neutral and non-ideological purposes; and (c) can be removed from the nonpublic school without remodeling the facility. (34 CFR, Section 298.27)

Suggestions: It is suggested that the LEA regularly contact the nonpublic representative(s) and visit the school site(s) at least on a yearly basis. The LEA should check the materials ordered to ensure that they are secular, neutral and non-ideological, and are marked appropriately. Further, the equipment ordered should be under LEA control and inventory.

Please find attached a schedule of visits and a checklist this office will use in the process. Call if the times and/or dates are inconvenient.

Meeting – April 25, 1985

In an effort to disseminate information relative to the second, three-year-cycle of the Chapter II Project, a meeting has been set for April 25, 1985, 9:00 a.m. to 12:00 p.m. at the Educational Service Center (Media Center), 501 Manhattan Boulevard in Harvey for principals and contact persons from each nonpublic school wishing to become involved in the second cycle.

April 9, 1985
Chapter II Monitoring Visits
and April 25, 1985 Meeting

AGENDA

Introductions
Overview
Guidelines
Allocations
Discussion

RW/lp

Attachment

cc: Dr. Carolyn C. Weddle
Mr. Leonard J. Fine

ECIA – Chapter II

Monitoring Checklist – 1985

Nonpublic site: _____

LEA monitor: _____

Review date: _____

Site personnel participating in review: _____

_____

1. Materials/equipment purchased is being used in accordance with the Chapter II plan submitted.

Yes No

___ ___

Comments: _____

_____

2. Materials/equipment is being used for secular, neutral and non-ideological purposes.

Yes No

___ ___

Comments: _____

_____

3. Materials/equipment is inventoried.

Yes No

___ ___

Comments: _____

_____

4. Materials/equipment is clearly marked ECIA – Chapter II.

Yes No

___ ___

Comments: _____

_____

5. Materials/equipment can be removed from the nonpublic site without remodeling the facility.

Yes No

___ ___

Comments: _____

_____

Schedule of Visits

May 7 –	10:00 -	St. Louis King of France
May 9 –	8:00 -	Our Lady of Perpetual Help
	11:00 -	St. Matthew the Apostle
	12:30 -	Faith Lutheran
	2:00 -	St. Rita
May 14 –	8:00 -	Archbishop Blenk
	9:30 -	St. Sletus
	11:00 -	Christ the King
	12:30 -	St. Anthony
	2:00 -	St. Joseph
May 16 –	8:00 -	Magnolia
	9:30 -	St. Agnes
	11:30 -	St. Christopher
	12:30 -	Ridgewood Preparatory
	2:00 -	St. Martin's Episcopal
May 21 –	8:00 -	Archbishop Shaw
	9:30 -	Chinchuba Institute
	11:00 -	Hope Haven/Madonna Manor
	12:30 -	Immaculata High
	2:00	Immaculate Conception
May 23 -	8:00 -	St. Edward the Confessor
	9:30 -	St. Mary Magdalen
	11:00 -	St. Lawrence the Martyr
	2:00 -	Atonement Lutheran
May 28 –	8:00 -	St. Benilde
	9:30 -	Archbishop Rummel
	11:00 -	St. Catherine of Siena
	12:30 -	Metairie Park Country Day
	2:00 -	St. Francis Xavier

May 30 -	8:00 -	St. Rosalie
	9:30 -	Visitation of Our Lady
	11:00	St. Joseph the Worker
	12:30 –	Concordia Lutheran
	2:00 -	Our Lady of Prompt Succor
May 31 -	8:00 -	St. Philip Neri
	9:30 -	Lakeshore Hebrew Day
	11:00 -	St. Clement of Rome
	12:30 -	St. Ann
	2:00 -	Lutheran High

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Woodward Deposition Exhibit 7 (excerpt regarding needs assessment for Lutheran High School)

LUTHERAN HIGH SCHOOL

3864 Seventeenth Street
METAIRIE LOUISIANA 70002
(504) 455-4062

Paul C. Buetow, Principal

A. NEEDS ASSESSMENT

Lutheran High School is moving in a direction of expansion and growth. Needless to say, all areas of instruction are growing in content and creativity to meet the demands of increasing enrollment and competition in education. Part of that expansion is reflected in the efforts of the Resource Department to expand and provide faculty with accessible, up-to-date audio-visual equipment. In assessing the current status of the Resource Department several problems were evident.

Records maintained by the Resource Department indicate the need for additional equipment based on weaknesses in the following areas:

- conflicting requisition times
- lack of flexibility for showing time
- lack of dependable, on-site availability
- lack of adequate audio-visual library

As further support for the Resource Department's position, a survey of faculty members disclosed an increasing interest in incorporating audio-visual aids into classroom instruction-- a trend in educational circles throughout the nation. This survey was footnoted by the fact that were the school to have more ready availability of audio visual equipment, usage would most likely increase due to the elimination of conflicts.

In assessing the problem and formulating goals, the Resource Department feels that in the interest of efficiency, organization, creativity and progressiveness the addition of various audio-visual equipment and materials will serve to enhance the educational atmosphere of Lutheran High School.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Woodward Deposition Exhibit 9 (excerpt regarding needs assessment for Immaculata High School with second page reprinted in text format and with text in first column of chart in original exhibit preceding text in second and third columns of chart)

NONPUBLIC NARRATIVE

NAME OF SCHOOL OR DIOCESE:
Immaculata High School

A. NEEDS ASSESSMENT

While effective use has been made of the audiovisual materials which have been purchased with Chapter II funds, they must be replaced and updated from time to time. Our enrollment has increased somewhat, so that more students use the library materials and, consequently, more audio-visual software is needed.

Documentation: The library materials are used quite extensively by the teachers for their classes; they are, also used by individual students. The following is an example of the monthly use made of AV materials for the 1984-1985 school year:

August-September 107	January 199
October 403	February 260
November 100	March 340
December 272	April 255

This is an indication that teachers and students need these materials in the education process, and without Chapter II funds, these materials may not be available through school funds, only.

Overall Program Goal: In general, our goal is to use ECIA Chapter II funds to purchase the best possible teaching materials, and to make them readily available for use by the students and teachers.

Measurable Objective and Program Activities

In order to reach the objective of selecting the best possible AV teaching materials, teachers select the software for their own use, and for use of the departments. The allotment for the school is divided among the teachers, and each is given a form on which to place his/her selections. These items are then ordered from ECIA-II funds.

These materials are made readily available to teachers and students all during the school day (7:15 a.m. - 3:00 p.m.), although teachers may check out any AV materials, except the TV sets, video players, and the computer. Students and teachers may use them in their classrooms for demonstration and other purposes.

It is important that both teachers and students know what audiovisual materials are available to them and encourage their usage, therefore, a bibliography of all the kits, slides, etc. (mostly purchased with ECIA-II funds), is kept up-to-date in the library.

PROGRAM ACTIVITIES: At the beginning of the school year there are specific lessons taught by the librarian to the students to inform them and the new teachers of the audiovisual software which is available to them. These materials are on display in the library, and students are taught how to use each and to what purposes each may be used.

The librarian discusses the course sylabi with the various teachers to determine what AV materials the teachers will need during the school year. If these materials are available for purchase or rental, they are ordered for them. The teachers, then, schedule the time and room in the library for the viewing of each with their students.

Evaluation

It seems an appropriate means of evaluation is to determine how teachers respond to the request to select audiovisual software for their own use and for the use of their departments. Teachers respond very well. Since they receive what they order, and they know best what to order, they use the AV materials almost daily. This is shown under "Documentation" of this report.

It is very helpful for the students of the English and Social Studies classes to receive instruction at the beginning of the school year concerning the holdings of the school library in both print and non-print. They use these materials very effectively in their term papers and for their Social Studies and Science fairs. They also use them in class demonstrations.

Person(s) Responsible

Geraldine Pilotte,
Librarian

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Woodward Deposition Exhibit 10 (excerpt including needs assessment and next page for Archdiocese of New Orleans with chart in original exhibit reprinted in text format with material in first column of text preceding material in second, third, fourth, fifth, and sixth columns in chart)

ARCHDIOCESE OF NEW ORLEANS
DEPARTMENT OF EDUCATION

7887 Walmsley Avenue, New Orleans, Louisiana 70125
PHONES: (504) 861-4595 861-9521 861-4266

A. NEEDS ASSESSMENT

1. The Archdiocese of New Orleans (Non-Public Schools) is committed to the development of programs designed to provide for the emotional, physical, mental and moral well-being of its students. In conjunction with these system-wide goals, non-public personnel in this Chapter 2 grant application seek to acquire school library resources and instructional materials and equipment to meet the needs of students and teachers in the elementary and high schools. In addition, these system-wide goals are directed to the improvement of library programs, increased reading ability of students at all grade levels and availability of instructional aids to teachers.

2. The need for assistance to acquire materials of instruction is predicated on the many requests from principals and teachers in addition to the individual schools' needs assessments for the purpose of meeting standards for school library media programs.

3. The Archdiocese of New Orleans (Non-Public Schools) is acutely aware of the cost of materials of instruction (i.e., A/V materials, equipment, library resources) to enhance the opportunity for the academic growth of students as well as the need to provide information and services to facilitate essential programs among students in the pursuit of creative options relative to the many facets of learning.

ARCHDIOCESE OF NEW ORLEANS
DEPARTMENT OF EDUCATION

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PHONES: (504)-861-4595 861-9521 861-4266

Long-Range Goal: To provide for the additional availability of instructional materials and equipment to students and teachers in support of instructional programs.

JEFFERSON PARISH Plan: 1985-86

Objective

1.0 By the end of the school year, there will be significant increases over the previous year in number and variety of books, 16mm films, audio-visual materials and instructional equipment acquired, circulated, and made available to teachers and students in support of instructional programs as evidenced by inventory and circulation reports.

Activities

1.1 Schools will prepare orders for books, audiovisual materials and instructional materials and equipment after assessing individual school needs and consulting with administrators and teachers regarding their usefulness in support of academic subjects in the instructional programs.

Schools will encourage use of acquired books, audio-visual materials and equipment through such library activities as scheduled class visits, individual and group student sessions, reference assistance, student project assistance, orientation and in-service for teachers and indexes of materials in support of instructional programs.

Person(s) Responsible

1.1 Principal

Timeline

1.1 September 1985

Evaluation Criteria

1.1 Circulation and inventory reports of the 1985-86 school year will be examined to determine whether the collection of 16mm films, books, Not audio-visual materials and equipment have been increased, improved and utilized by teachers and students as compared with the previous year. An overall increase in the circulation and inventory will indicate the achievement of this objective.

Status of Objective

Achieved Completely __
Achieved Partially __
Not Achieved __
Documentation __

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Woodward Deposition Exhibit 13 (Excerpt including entire exhibit except civil rights certificate and general information form)

JEFFERSON PARISH PUBLIC SCHOOL SYSTEM
519 HUEY P. LONG AVENUE – P. O. BOX 130
GRETNA, LOUISIANA 70054-0130
(504) 367-3120

ANTHONY P. CHIMENTO
SUPERINTENDENT

ECIA – Chapter II

April 25, 1985

Nonpublic Orientation

The undersigned have received

1. Inservice on the Chapter II Block Grant regulations
2. Packets including
   a. Nonpublic Applicant Information form
   b. Assurance Form
   c. Civil Rights Certificate
   d. Consultation Assurance Form

   e. Instructions for competing the narrative section
   f. Nonpublic Narrative
   g. Program Goal and Objective Form
3. Tentative allocation
4. a. application
   b. equipment
   c. materials and supplies

_____
Signature

_____
School

ASSURANCES
FOR
NONPUBLIC SCHOOLS
(Only necessary with initial Application)

1. Assurance is given that all activities and expenditures of funds conducted under this Act are in direct compliance with the provisions of ECIA, Chapter 2.

2. Assurance is given that expenditure of funds under Chapter 2 is for the purpose of meeting the educational needs within the schools of the agency.

3. Assurance is given that the funds are used under this Chapter shall be utilized and allocated only so as to supplement and to the extent practical, increase, the level of funds that would, in the absence of federal funds made available under this Chapter, be made available from nonfederal sources, and in no case will such funds be used so as to supplant funds from nonfederal sources.

4. Assurance is given that the Local Education Agency through which ECIA, Chapter 2 funds are distributed shall be afforded the opportunity, as may reasonably be required by Consolidated Educational Programs for reporting purposes, to monitor for evaluation of all projects and programs.

5. Assurance is given that allotment of funds for programs authorized under Chapter 2 and in the design, planning, and implementation of programs, provisions will be made for systematic consultation with parents of children attending such schools, with teachers and administrative personnel, and with other groups as deemed appropriate. Further assurance is given that evidence of these consultations will be provided during onsite visitations or when deemed necessary by the Local Educational Agency and/or by the State Educational Agency.

6. Assurance is given that records will be kept and information provided to the Local Educational Agency and/or the State Educational Agency as may be required for fiscal audit and program evaluation.

Public Law 97-35 Title V Subtitle D Chapter 2
Assurances for Fiscal Years 1886-1988

DATED_____ _____
(Legal name of Applicant)

_____
(Signature of authorized representative)

_____
(Representative's title)

NOTARY PUBLIC: Subscribed to before me this ____ day of _____, 19__.

_____
(City) (State)

SIGNATURE OF NOTARY PUBLIC_____

DATE OF COMMISSION EXPIRATION_____

CONSULTATION ASSURANCE

In accordance with Chapter II regulations,

_____

(name of school)

provides assurance that the following consultation made has been met:

> "Assurance is given that in the design, planning, and implementation of programs, provisions will be made for systematic consultation with parents of children attending such schools, with teachers and administrative personnel. Further assurance is given that evidence of these consultations will be provided during on-site visitations or when deemed necessary by the local educational agency and/or by the state educational agency."

_____

Signature of Principal

CONSULTATION ROSTER

Person	Position	Date
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____

INSTRUCTIONS FOR COMPLETING THE NARRATIVE SECTION

The narrative section should be well-coordinated; the needs assessment showing the need for the overall Chapter 2 program should relate directly to the overall goal. The objectives are hopeful anticipated outcomes of the project, in line with the overall goal. The activities delineate how each objective will be accomplished and the evaluation will show how each objective will be evaluated.

A new narrative section need not be written each year. The Chapter 2 program is based on a three-year cycle; the first year (FY 1986) the entire Project Application is needed, and the subsequent two years, only an Annual Program Update is needed (FY 1987 and 1988). New narrative section(s) are needed in the Annual Program Updates ONLY if there are changes in your needs and, therefore, changes in the Chapter 2 focus.

A. Needs Assessment—the following must be provided for a three-year period:

1. A clear definition of the specific education problem to be remedied by the programs and/or projects;

2. Documentation of the extent of the problem through objective data (e.g., surveys, pre-post test data, state assessment data, and so forth) and results of needs assessments; and

3. An analysis of the source and/or cause of the problems.

B. Overall Program Goals

The goal(s) for the Chapter 2 program(s) should represent broad and general statements of what the program and/or project will accomplish. In addition, the goals should serve as the basis for the specific skills and achievements to be covered in the annual objectives. There should be a goal for each Chapter 2 program. If you have one program, only one goal is necessary.

C. Annual Objectives

These objectives must be stated in measurable terms. Reference should be made to the anticipated changes in the instructional program that are a result of resources acquired in this project for both public and nonpublic schools participating. There should be two or three objectives for each program goal.

D. Annual Activities

Specific activities, procedures, or instructional methods to be used to attain each objective should be listed. Activities should be appropriate for the objectives of the proposal. If any funds are budgeted under travel, other expenses, or contracted services, your activities should reflect thi
Justification for out-of-state travel is necessary.

E. Annual Evaluation

For <u>each</u> objective, a specific method and standard to be used in evaluating that objective should be stated.

Examples of evaluative criteria are as follows: surveys to show pupil attainment on questionnaires, surveys to show teacher attitudes, pupil scores on paper-and-pencil tests of either the teacher-made or the standardized subject matter variety, direct observation of learners, random questioning of students, and pre- and post-testing, and so forth.

Sample pages of a narrative are included for your review. If you need any assistance in preparing the narrative section, or any part of your application or update, please call the Chapter 2 office at (504) 367-3120, ext. 514.

NONPUBLIC NARRATIVE

NAME OF SCHOOL OR DIOCESE:_____

A. NEEDS ASSESSMENT

PLEASE USE EXTRA PAGES IF ADDITIONAL SPACE IS NEEDED.

Nonpublic
Overall Program Goal:_____

Measurable Objective and Program Activities	Evaluation	Person(s) Responsible

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

Woodward Deposition Exhibit 21 (chart on attachment to exhibit reprinted in bifurcated format)

June 2, 1985

Mr. Leonard J. Fine
Archdiocese of New Orleans
Office of Education
7887 Walmsley Avenue
New Orleans, LA 70126

Dear Mr. Fine:
Re: Chapter II Evaluation Report

In response to your request for our report in the above matter, the following is our reply to the evaluation questions enclosed with your letter.

1. Our program objective is the same as that submitted by the Archdiocese.

2. Approximately twenty percent of our funds were used to maintain microfiche files and the balance was spent on books and reference materials.

3. Materials direct ordered was received at various times during the second semester. Material ordered from the jobber was received in early May, so late that it had to be processed during the summer.

4. The same timing occurred with the 84-85 order. The direct orders arrived during the second semester and were processed. Only a portion of the order to the jobber arrived in May, and the balance is expected during the summer.

5. Materials have all been marked as required, and shelf list cards have color coding as well as a notation indicating that they were purchased with Federal funds.

6. Our large library is available to students and teachers before and after school and during lunch periods. Teachers are encouraged to bring their classes to the library or to send individual students as desired, and materials are sent to the classroom as requested. Reference books, periodicals and AV software may be used in the library by students. All other books circulate. There AV carrels are provided for student and teacher use of AV materials. Seven microfiche readers and a microfiche printer are available.

7. Chapelle has a well-stocked library and strong library program which is well supported by administration and teachers. The library is used not only by our own students, but by their families and our friends and our graduates, many of whom report that our collection provides materials they cannot find elsewhere.

8. Circulation records indicate increasing use of our materials. There were 392 visits by teachers with their classes last year. Attached is a copy of comparative use of AV equipment for the past six years, much of which equipment and software was purchased with Federal funds.

Report prepared by:

_____ _____

Louise M. Selleck, Librarian

_____

Al Murphy, Principal

COMPARATIVE USE OF AUDIO-VISUAL EQUIPMENT

By Department:	1978-79	1979-80	1980-81	1981-82
Social Studies	1,211	1,766	926	940
Theology	952	1,500	1,263	1,140
English	941	1,615	1,460	1,514
Science	363	698	516	444
Foreign Language	280	644	286	471
Phys Ed.	220	696	485	251
Home Ec.	151	601	311	254
Business	75	60	72	140
Math			6	267
Art	58	106	1	54
Music	6	395	336	9
Guidance (Pub.Relations)	24	218	25	
Special Education				66
Library				13
Students				
Cafeteria			6	
	4,221	8,229	6,513	6,641

By Department:	1982-83	1983-84	1984-85
Social Studies	595	544	581
Theology	1,646	1,162	917
English	1,427	1,454	1,483
Science	565	591	641
Foreign Language	589	648	540
Phys Ed.	186	191	160
Home Ec.	189	236	265
Business	144	38	108
Math	48	45	43
Art	43	142	
Music	134		
Guidance (Pub.Relations)	46	53	5
Special Education	86	99	152
Library	43		
Students	21	137	
Cafeteria			
	6,024	5,022	4,531

By Type of Equipment:	1978-79	1979-80	1980-81	1981-82
Video Cassette	954	1,659	1,706	1,705
Video Reel	608	778	299	160
Video Camera				
16 MM Movie Projector	543	841	444	361
Filmstrip Projector	640	1,166	1,076	981
Record Player	508	1,281	929	770
Dukane Filmstrip Cassette	321	752	457	554
Cassette player Reel tape	373	1,208	1,165	1,605
Slide projector	237	480	353	250
Opaque projector	37	134	84	109
Audo-Vance Projector				

By Type of Equipment:	1982-83	1983-84	1984-85
Video Cassette	1,620	1,680	1,872
Video Reel	126		
Video Camera	43	55	56
16 MM Movie Projector	374	314	257
Filmstrip Projector	854	445	682
Record Player	884	728	443
Dukane Filmstrip Cassette	480	470	458
Cassette player Reel tape	885	1,024	974
Slide projector	300	435	481
Opaque projector	150	170	108
Audo-Vance Projector	141		

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

10/02/89 Attachment (Woodward Declaration) To Memorandum By Intervenors In Opposition To Plaintiffs' Motion For Partial Summary Judgment And In Support Of Intervenors' Cross Motion For Summary Judgment On Plaintiffs' Chapter 2 Claims, Document Number 177 On District Court Docket

[Caption Omitted]

DECLARATION OF RUTH WOODWARD

I, Ruth Woodward, declare and state as follows:

1. I am presently employed by the Jefferson Parish Public School System as the Director of Consolidated Educational Programs. In that position I oversee the Jefferson Parish Chapter 2 Program. I have held that position since July 1985.

2. As the Jefferson Parish administrator of Chapter 2, I am responsible for the administration

3. Under the Jefferson Parish Chapter 2 program, library books for nonpublic school children are ordered from "book jobbers" that are under contact with the public school district. Orders are placed from catalogs provided by the book jobbers. Book orders for nonpublic school children are placed through the public school district.

4. Books that are not available from one of the school district's books jobbers, such as National Geographic, may be ordered for public and nonpublic school children, as long as the books are purely secular. The majority of books ordered for nonpublic school children, however, are ordered from the school district's book jobbers.

5. All books and instructional materials, such as filmstrips, video and audio cassettes, and similar items, ordered for the benefit of nonpublic school students are subject to a title review by me or Dr. Shirley Becnel, the Chapter 2 Program Developer and Evaluator. The title review is conducted before the books are ordered by the school district.

6. In addition, as part of the annual monitoring of the nonpublic school student portion of the Chapter 2 program, if the program being monitored has included library book acquisition, the Jefferson Parish monitor randomly selects library books purchased as part of the Chapter 2 program and reviews the content of the books to further ensure that religious books or religiously-oriented books have been acquired with Chapter 2 funds.

7. Since I assumed the position of overseeing Chapter 2 in 1985 and instituted the procedures described in paragraphs 3 through 6, I know of no religious books that have been purchased with Chapter 2 funds under the Jefferson Parish Chapter 2 program and am confident that the procedures described above are adequate to ensure that Chapter 2 funds are used in Jefferson Parish in compliance with Chapter 2 and the Louisiana Chapter 2 guidelines.

8. Jefferson Parish has participated in the Chapter 2 program since it became effective in the 1982-83 school year. Since 1982, Chapter 2 benefits have been provided for both public and nonpublic school students. Prior to the consolidation of federal education programs in the Education Consolidation and Improvement Act of 1981, which enacted Chapter 2 as a block grant program, Jefferson Parish participated in some of Chapter 2's predecessor programs, including the Title II and Title IV-B programs under the Elementary and Secondary Education Act of 1965. Based on a conversation with a former Jefferson Parish Federal Programs Administrator, Ruth Autin, it is my understanding that under these programs, instructional equipment

and library materials and resources were acquired by Jefferson Parish for the benefit of both public and nonpublic school students. Jefferson Parish has participated in these programs since 1966 and benefits have been provided in Jefferson Parish for equipment and library materials and resources were acquired by Jefferson Parish for the benefit of both public and nonpublic school students. Jefferson Parish has participated in these programs since 1966 and benefits have been provided in Jefferson Parish for nonpublic school students since that time.

• • •

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 1989.

_____

Ruth Woodward

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

10/04/89 Exhibit D-4 To Federal Defendants' Opposition To Plaintiffs' Motion For Partial Summary Judgment And Memorandum In Support Of Cross Motion For Summary Judgment On Plaintiffs' Chapter 2 Claims (Excerpts Including Title And Pages 4, 14-23, 28, 52-65, 85), Document Number 179 On District Court Docket

LOUISIANA DEPARTMENT OF EDUCATION
CHAPTER 2 GUIDELINES
BULLETIN 1673
REVISED JUNE 1989

* * *

III. LEA RESPONSIBILITIES

A. Local Application Process

1. An LEA may receive its designated allocation of funds under Chapter 2 for any year in which its application to the SEA has been certified to meet the requirements of the law. In order for an LEA application to be approved, it must:

Set forth the planned allocation of funds among targeted assistance programs described in P.L. 100-297, Section 1531. This includes the allocation of funds required to implement Section 1572, which requires participation of children enrolled in private nonprofit elementary and secondary schools on an equitable basis;

Provide assurances of compliance with the law as set forth in Section 1572;

Ensure that each expenditure of funds under Chapter 2 is for targeted assistance programs described in Section 1531;

Agree to keep records and provide information to the SEA as required for fiscal audit and program evaluation; and

Provide for systematic consultation with parents of children in the area served, teachers, administrative personnel and other groups deemed appropriate by the LEA when allocating funds for programs authorized by Chapter 2 and in designing, planning, and implementing programs.

2. Applications filed by the LEA:

Shall be for a period not to exceed three fiscal years, with yearly updates, and

Shall be subject only to the provisions of P.L. 100-297 in determining how funds received shall be divided among the areas of targeted assistance.

B. Parent, Teacher, and Administrator Consultation

According to P.L. 100-297, Section 1533(a)(B)(5), each participating LEA must provide in the allocation of funds for the assistance authorized by this Chapter, and in the design, planning, and implementation of such programs, for systematic consultation with

parents of children attending elementary and secondary schools in the area served by the local agency, with teachers and administrative personnel in such schools, and with other groups involved in the implementation of this chapter as may be considered appropriate by the LEA.

C. Nonpublic Participation and Involvement

It is the responsibility of the LEA to involve eligible nonpublic schools and to ensure nonpublic compliance with Chapter 2 legislation and regulations.

The participation and involvement of nonpublic schools is an integral aspect of the Chapter 2 program and is addressed specifically in Chapter 2 legislation. The following sections list the requirements of the law relating to the nonpublic sector with suggestions for implementation:

1. Consultation with Nonpublic School Officials, Section 1572

An LEA "shall consult with appropriate private (nonpublic) school officials regarding the development and implementation of the Chapter 2 program before the LEA makes any decision that affects the opportunities of private school children to participate in the program."

Suggestions: To be in compliance with this section, it is suggested that the LEA consult with the nonpublic sector early enough to ensure input into decisions pertaining to nonpublic involvement. For instance, if the

LEA is planning an inservice workshop for algebra teachers with LEA Chapter 2 funds, the nonpublic sector may want to be involved in these workshops and to use a portion of its Chapter 2 allocation to procure this needed service.

Documentation of timely contact with the nonpublic sector in the form of memoranda, letters, or meeting agendas is suggested.

2. Equitable Participation

a. Eligible nonpublic schools—only nonpublic schools that are nonprofit and eligible to receive federal funds can participate in the Chapter 2 program.

Suggestions: To document that the LEA has contacted all eligible nonpublic schools, it is suggested that the LEA send certified letters to all nonpublic schools in the LEA, perhaps those listed in the local yellow pages. A form might be enclosed with the letter to be mailed back to the LEA central office. On this form, the school could indicate whether or not it is eligible, nonprofit, and would like to participate in the Chapter 2 program.

Of course, a reasonable deadline for response to correspondence requesting participation is necessary. To further document the attempt to involve nonpublic schools, an LEA may want to advertise in a local paper.

Since some nonpublic schools may come into

compliance midyear and become eligible to receive federal funds, it shall be necessary to contact the nonpublic schools annually. Further, an LEA is not under obligation to serve a nonpublic school that comes into compliance midyear or one that did not meet the reasonable deadline for response.

b. Equal Expenditures: Expenditures for Chapter 2 programs for children enrolled in nonpublic schools must be equal (consistent with the number of children to be served) to expenditures for Chapter 2 programs for children enrolled in public schools of an LEA. (Section 1572 b)

Suggestions: Equitable means equal, so it is suggested that for each Chapter 2 dollar expended on a public child, a Chapter 2 dollar be allocated for a nonpublic child.

Suggested Procedures:

(1) Determine the number of eligible nonpublic schools (in compliance) desiring to participate; see (a) above.

(2) Determine the number of children enrolled in eligible nonpublic schools that will be participating. Ask the nonpublic school(s) for these figures.

(3) Determine the total number of children in the public sector.

(4) Add the number of children enrolled in eligible and participating nonpublic

schools (#2) and the total number o children in the public sector (#3).

(5) Divide the total LEA allocation by the number calculated in #4 t give you a cost per child. It is permissible to take indirect cost for the LEA allocation. This should be done before step #5.

(6) Multiply the cost per child (#5) by the number of nonpublic children per participating nonpublic school. This will give the allocations for each nonpublic school.

Recommendations: The LEA should not design its Chapter 2 program and involve the nonpublic sector in that program, but aid the nonpublic sector in the development of a Chapter 2 program that would best meet the needs of the nonpublic school(s).

The LEA should meet with representatives from the nonpublic sector to disseminate information about Chapter 2. Further, the LEA needs to have program narratives on file from the nonpublic sector. These program narratives should include a description of targeted programs. A form is provided in the Appendices for this purpose. In some cases, the diocese will coordinate programs for parochial schools in the LEA. The LEA should have a file for each nonpublic school participating in the program.

3. Chapter 2 Funds May Follow the Child: Section 1512 (c)(2)(A)(B)(C) states the following:

Additional funds resulting from higher per pupil allocations provided to a local educational agency on the basis of adjusted enrollments of children described in subsection (a) may, at the discretion of the local educational agency, be allocated for expenditures to provide services for children enrolled in public and private nonprofit schools in direct proportion to the number of children described in subsection (a) and enrolled in schools within the local educational agency .

In any fiscal year, any local educational agency that elects to allocate such additional funds in the manner described in subparagraph (A) shall allocate all additional funds to schools within the local educational agency in such manner.

The provisions of subparagraphs (A) and (B) may not be construed to require any school to limit the use of such additional funds to the provision of services to specific students or categories of students.

4. Use of Public School Personnel

The LEA may use Chapter 2 funds to make public employees available in nonpublic facilities to the extent necessary to provide equitable Chapter 2 services for nonpublic

school children if those services are not normally provided by the nonpublic school. (Section 1572)

Suggestion: Although the nonpublic sector cannot expend any portion of its allocation on salaries, it can receive services provided by the public sector. Additionally, the cost of any services provided can be figured as part of their equitable portion. For example, a nonpublic school may elect to participate in LEA program(s) as well as to receive equipment and/or instructional materials.

5. Control of Funds, Equipment and Materials

The LEA must keep title to and exercise continuing administrative control of all equipment and materials that the LEA acquires with Chapter 2 funds. While the LEA may place equipment and materials acquired with Chapter 2 funds in a nonpublic school, the LEA must ensure that such equipment and materials: (a) are used for Chapter 2 purposes; (b) are used for secular, neutral and non-ideological purposes; and (c) can be removed from the nonpublic school without remodeling facility. (Section 1572[c])

Suggestions: It is suggested that the LEA regularly contact the nonpublic representative(s) and visit the school at least yearly. The LEA should check the materials ordered to ensure that they are secular, neutral and nonideological. Further, the equipment ordered should be under LEA

control and inventory. Materials and equipment should be marked; see section, "General Use of Funds."

6. Limitation

Chapter 2 funds may not be used for construction of nonpublic school facilities, and equipment and materials must be removable from the nonpublic school without remodeling the school.

IV. EVALUATION

A. STATE RESPONSIBILITY

Section 1522(a) of Public Law 100-297 Elementary and Secondary School Improvement Amendments of 1988 states that ". . . any state which desires to receive grants under this Chapter shall submit an application to the Secretary which provides for an annual submission of data on the use of funds, the type of services furnished, and the students served."

To meet the intent of the legislation as stated above, the staff of the Bureau of Consolidated Educational Programs and the staff of the Bureau of Evaluation will develop a comprehensive evaluative design for the Louisiana Chapter 2 program (available upon request).

The following goals were established:

1 To meet the federal requirements for program evaluation, as well as the apparent intent of Congress to

have information about the implementation of Chapter 2 so that future funding and program decisions can be made;

2. To provide the Louisiana Superintendent of Education and the State Board of Elementary and Secondary Education with information about the impact of expenditures and the effectiveness of local programs in addressing identified educational needs in the state;

3 To provide the Bureau of Consolidated Educational Programs with information about the implementation of Chapter 2 for improving state administration of the program and technical assistance efforts; and

4. To provide LEAs with information to improve both their processes and programs.

The evaluative design will include, but is not limited to, the following sources of data:

a. SEA Level

(1) Applications/Updates/ Budgets: These are currently available in SEA files and can be accessed by staff

without going to the LEAs for additional information.

(2) Monitoring Reports: The Bureau of Consolidated Educational Programs has developed a form to be used in monitoring LEAs for compliance with the requirements of the law.

(3) Auditing Reports: Auditing by the state is required by law.

(4) Local Evaluation Reports: LEAs must conduct evaluations of their programs. The evaluation reports produced must provide information on the effectiveness of Chapter 2, as well as the accomplishment of objectives, processes, and so forth. These data will be added to the LEA files.

b. LEA Level

(1) Project Files: LEAs are required to maintain records for the SEA on the implementation of Chapter 2.

(2) Interviews: Interviews may be conducted with a limited number of persons that

represent various areas of the state and have expertise in certain aspects of Chapter 2. The purpose of these interviews is to gain insight into specific operations and procedures associated with Chapter 2 programs.

(3) Case Studies: In order to better understand the impact of specific elements (e.g., nonpublic participation, use of technology) a case study approach will be used. When case studies are needed, onsite visits to LEAs will be necessary.

(4) Paper-and-Pencil Instrument: Using the information available through the new application process, as well as other existing sources, a paper and pencil instrument will be developed for potential use in obtaining additional information from the LEAs in the event that existing sources do not provide all of the necessary data.

Evaluation activities will be structured to a great extent around the sources of data described above. They fall

into four general categories: 1) planning, 2) data collection, 3) analysis and 4) reporting.

Evaluation reports based on the data collected through interviews, onsite case studies and summative reports are to be submitted to the SEA and will then be available upon request. As required by Chapter 2, copies of evaluative reports will also be sent to the USDE.

B. LOCAL RESPONSIBILITY

Section 1533(a), Public Law 100-297, states that ". . . a local education agency may receive an allocation of funds under this Chapter for any year for which an application is submitted to the SEA and such application is certified to meet the requirements of this section." At the time the grant application is prepared, an evaluation plan relating to the specific program objectives must be developed. Local agencies should report upon application: 1) which instruments and/or techniques will be used to assess the accomplishment of objectives; 2) when and by whom they will be used; 3) how findings will be analyzed; and 4) who will be responsible for drawing conclusions and making recommendations on findings. A separate evaluation plan should be developed for each Chapter 2 component using the "Action and Evaluation Plan" form found on page 55. A separate form should be used for each objective. Samples of completed forms are found on pages 56-61. A brief report of evaluation findings should

be submitted to the Bureau of Evaluation on or before September 30 for the preceding fiscal year.

This report need not be lengthy, but should consist of a simple explanation of how each objective was evaluated in accordance with the "Action and Evaluation Plan" submitted in the Application/Update. A separate evaluation report must be submitted for each targeted assistance program addressed in the Application/Update. A sample evaluation report is found on pages 62-65.

VII. MONITORING

By law, the Bureau of Consolidated Educational Programs is given the responsibility for monitoring the local Chapter 2 programs. This monitoring process entails onsite visits to ascertain compliance with federal rules and regulations and is intended to provide an opportunity for providing technical assistance to Chapter 2 program personnel. These monitoring visits are not to evaluate Chapter 2 programs (i.e., to ascertain attainment of objectives) but to check for compliance with P.L. 100-297.

A. GENERAL SCHEDULE OF VISIT/PROCESS

A copy of a general schedule of the visit is on page 24. This is tentative. The visit should be organized for the convenience of LEA Chapter 2 program personnel. Early in the day of the visit the monitors will need to have some time apart to review information and documentation from project files. Therefore, arrangements will need to be made to have documentation available with a place set aside for the review. At the end of the visit, the monitors will need some additional time apart to complete the monitoring instrument and

generate possible recommendations. During the "exit conference" complete findings and recommendations will be shared orally.

B. COMPLIANCE MONITORING INSTRUMENT/DOCUMENTATION

A copy of the Chapter 2 Monitoring Form is on pages 19-23. The monitors will proceed through the instrument section by section, or whatever is convenient to participants. Note that each item is mandatory and that the specific legislation requiring the inquiry is cited.

Two to three weeks after the visit the LEA will receive a copy of the instrument with typed responses. The LEA will have an opportunity to respond to the findings. If there are any areas of noncompliance, the Louisiana Department of Education will need to know (in a written response within 30 days) how the area of concern will be brought into compliance. In rare cases of extensive noncompliance, another onsite review the following year may be scheduled.

C. PERSONNEL NECESSARY FOR THE VISIT

The Chapter 2 contact person should be available for the entire visit. It may be necessary to include some other personnel in the visit, namely teachers, administrators, or possibly students. This, of course, is left to the discretion of the LEA and will be discussed prior to the visit.

D. PERSONNEL ATTENDING THE VISIT FROM THE STATE DEPARTMENT

The monitor(s) for the onsite visit will be on the staff of the Bureau of Consolidated Educational Programs and, in some instances, of the Bureau of Evaluation.

E. PUBLIC AND NONPUBLIC SCHOOL VISITS

If the Chapter 2 program includes projects that would best be viewed at a school site, a visit to a school should be arranged, or school personnel could be called to the meeting location. If there are eligible nonpublic schools participating, a visit to one of them is requested. Any visits should be made to those schools in close proximity to the location of the meeting.

F. LOCATION OF THE MEETING/FISCAL YEAR MONITORED

For convenience it is recommended that the onsite meeting be held where Chapter 2 records are located.

The monitoring visit will cover the current fiscal year of operation only. Visits generally take place January through April of the fiscal year.

G. FREQUENCY OF MONITORING VISITS

Unless there are serious areas of concern, the Bureau of Consolidated Educational Programs will monitor current Chapter 2 programs every third year.

LOUISIANA DEPARTMENT OF EDUCATION
CHAPTER 2
FY 1990 REVISED MONITORING FORM

LEA: _____ FY monitored: _____

Review Date: _____ SDE Monitor(s): _____

LEA personnel participating in review: _____

PROGRAM ADMINISTRATION	YES	NO	N/A
1. Is there evidence in the LEA to indicate that funds are allotted for one or more of the targeted assistance programs? P.L. 100-297, Sec. 1533	____	____	____

Comments: _____

_____

2. Is the LEA using funds consistent with the purposes of the program as set forth in the legislation? P.L. 100-297, Sec. 1531	____	____	____

Comments: _____

_____

3. Does the LEA application/update on the file adequately describe the overall program as observed? P.L. 100-297, Sec. 1531, 1533	____	____	____

Comments: _____

_____

4. Is the program being carried out in a timely fashion to benefit the participants?	____	____	____

Comments: _____

_____

5. Does the LEA keep adequate records for program evaluation and compliance monitoring? P.L. 100-297, Sec. 1533	____	____	____

Comments: _____

_____

6. Is the LEA providing for the evaluation of its program(s) and are required annual evaluation reports forwarded to the SEA? P.L. 100-297, Sec. 1533, 1573	____	____	____

Comments: _____

_____

FISCAL ADMINISTRATION	YES	NO	N/A
1. Are all expenditures in compliance with rules and regulations and with the approved application/update? P.L. 100-297, Sec. 1533	____	____	____

Comments: _____

_____

2. Are all travel expenditures properly documented in accordance with established local travel regulations and is all travel for the purpose of the program? Sec. 1533 ____ ____ ____

Comments:_____

_____

3. Are all program expenditures properly documented? Sec. 1533 ____ ____ ____

Comments:_____

_____

4. Is there documentation for consultant services on file? Sec. 1533 ____ ____ ____

Comments:_____

_____

5. Is there documentation that the salaries and fringe benefits began on or after the effective date of the program and are they in accordance with the application/update on any budget revisions? EDGAR 76.704, Sec. 1533 ____ ____ ____

Comments:_____

_____

6. Have audits been performed and reports forwarded to the SEA? P.L. 100-297, Sec. 1522, 1533 ____ ____ ____

Comments:_____

_____

7. Are the activities and expenditures for the program being used to supplement (and not supplant) the funds from non-federal sources? P.L. 100-297, Sec. 1571(b) ____ ____ ____

Comments:_____

_____

MATERIALS AND EQUIPMENT	YES	NO	N/A
1. Are the labeling and processing of materials and equipment adequate for good control and permanent recognition? P.L. 100-297, Sec. 1571(b)	____	____	____

Comments:_____

_____

2. Do equipment inventory records provide description, serial numbers, acquisition dates, costs, locations and condition data? EDGAR Sec. 74.140 ____ ____ ____

Comments:_____

_____

3. Are all equipment and materials under the administration, supervision and control of the LEA? P.L. 100-297, Sec. 1572 ____ ____ ____

Comments:_____

_____

4. Is a complete inventory of all materials and equipment maintained by the central office? EDGAR Sec. 74.140 ____ ____ ____

Comments:_____

_____

NONPUBLIC PARTICIPATION	YES	NO	N/A

If no nonpublic schools are eligible, mark "N/A" for D, 1-11.

1. Is there evidence that all eligible nonpublic school children were given the opportunity to participate in the program? P.L. 100-297, Sec. 1572 ____ ____ ____

Comments:_____

_____

2. Has the LEA provided for the equitable participation of children and teachers in nonpublic schools consistent with the number of eligible nonpublic school students? EDGAR 76.654(a)(1), Sec. 1572 ____ ____ ____

Comments:_____

_____

3. Are benefits for the nonpublic sector comparable to those in the public schools in quality, scope and opportunity for participation? EDGAR 76.654(a) ____ ____ ____

Comments:_____

_____

4. Are the expenditures, provisions and arrangements consistent with needs of the nonpublic schools? P.L. 100-297, Sec. 1572; EDGAR 76.654 ____ ____ ____

Comments:_____

_____

5. Is there evidence that the LEA consulted with nonpublic school officials regarding the development and implementation of the program before the LEA made decisions? P.L. 100-297, Sec. 1572 ____ ____ ____

Comments:_____

_____

6. Does the LEA keep title to and maintain continuing administrative direction and control over funds and property that benefit nonpublic students? EDGAR 76.661(a), P.L. 100-297, Sec. 1572(c) ____ ____ ____

Comments:_____

_____

7. Do public school inventory records include equipment used in nonpublic schools? P.L. 100-297, sec. 1572 ____ ____ ____

Comments:_____

_____

8. Does the LEA keep adequate records concerning each participating nonpublic school? P.L. 100-297, sec. 1572 ____ ____ ____

Comments:_____

_____

9. Is it possible to remove all equipment and materials from the nonpublic school without altering the structure of the nonpublic school? EDGAR 76.661(c)(2) ____ ____ ____

Comments:_____

_____

10. Are all services of nonpublic employees provided in accordance with rules and regulations (outside regular hours of duty under public supervision and control, etc.)? EDGAR 76.660(a)(b), Sec. 1572(c)(2) ____ ____ ____

Comments:_____

_____

11. Are the services, materials, equipment, or other benefits provided to nonpublic schools secular, neutral and non-ideological? P.L. 100-297, Sec. 1572 ____ ____ ____

Comments:_____

_____

CONSULTATION **YES** **NO** **N/A**

1. Does the LEA provide for systematic consultation with parents, teachers, administrative personnel and other groups deemed appropriate? P.L. 100-297, Sec. 1533	____	____	____

Comments:_____

_____

SURPLUS

1. Does the LEA expend its Chapter 2 funds each year (without a surplus that exceeds the amount necessary to operate its Chapter 2 program for the current fiscal year)? Rules and Regulations Sec. 298.9	____	____	____

Comments:_____

_____

ASSURANCES

1. The local educational agency assures that all activities and expenditures of funds conducted under this act are in direct compliance with the provisions of Chapter 2.

2. The local educational agency assures that each expenditure of Chapter 2 funds is for one or more targeted assistance programs described in Section 1531.

3. The local educational agency assures that funds received under this chapter will be used and allocated only so as to supplement and, to the extent practical, increase the level of funds that would, in the absence of federal funds made available under this Chapter, be made available from nonfederal sources, and in no case will such funds be used so as to supplant funds from nonfederal sources.

4. The local educational agency will keep such records and provide such information to the SEA as may be required for fiscal audit and program evaluation.

5. The local educational agency assures that in the allotment of funds for programs authorized under Chapter 2 and in the design, planning, and implementation of programs, provisions will be made for systematic consultation with parents of children attending elementary and secondary schools in the area served by the local agency and with teachers and administrative personnel in such schools, and with other groups as may be deemed appropriate by the agency. The LEA further assures that evidence of these consultations will be provided during onsite visitations or when deemed necessary by the State Education Agency.

6. The local educational agency is in compliance with provisions of Chapter 2 relating to such programs,

including the participation of children enrolled in private, nonprofit schools in accordance with Section 1572.

Public Law 100-297, Chapter 2

_____
Date

_____
Legal name of Applicant

_____
Signature of authorized representative

_____
Representative's title

INSTRUCTIONS FOR COMPLETING THE NARRATIVE SECTION

The narrative section should be well coordinated; the need for the overall Chapter 2 program should relate directly to the overall goal. The objectives are anticipated outcomes of the project and should be in line with the overall goal. The activities set forth how each objective will be accomplished, and the evaluation will show how each objective will be evaluated.

The narrative must (1) describe the programs, projects and activities designed to carry out each targeted assistance program which the LEA intends to support together with (2) give reasons for the selection of such programs, projects and activities. The LEA narrative must also (3) describe how assistance under this chapter will contribute to the goals of the program of improving student achievement or improving the quality of education for students. (Sec. 1533)

A new narrative section need not be written each year. The Chapter 2 program is based on a three-year cycle; the first year the entire project application is needed; and during the subsequent two years, only an annual program update is needed. New narrative section(s) are needed in the annual program updates ONLY if there are changes in your targeted programs.

1. Targeted Use of Chapter 2 Funds

   Funds allocated for use under this chapter shall be used by state and local educational agencies for targeted assistance programs which follow:

   a. programs to meet the educational needs of students at risk of failure in school and of dropping out and students for whom providing an education entails higher than average costs;

b. programs for the acquisition and use of instructional and educational materials, including library books, reference materials, computer software and hardware for instructional use, and other curricular materials that would be used to improve the quality of instruction;

c. innovative programs designed to carry out school-wide improvements, including the effective schools program; (Note: Effective schools programs must meet requirements in Sections 1541-1542 of the Act.)

d. programs of training and professional development to enhance the knowledge and skills of educational personnel including teachers, librarians, school counselors and other pupil services personnel, and administrators and school board members;

e. programs designed to enhance personal excellence of students and student achievement, including instruction in ethics, performing and creative arts, humanities, activities in physical fitness and, comprehensive health education, and participation in community service projects, and

f. other innovative projects which would enhance the educational program and climate of the school, including programs for gifted and talented students, technology education programs, early childhood education programs, community education and programs for youth suicide prevention.

2. Overall Program Goals

The goal(s) for the Chapter 2 program(s) should represent broad and general statements of what the program and/or project will accomplish. In addition, the goals should serve

as the basis for the specific skills and achievements to be covered in the annual objectives. There should be a goal for each Chapter 2 program. If you have one program, only one goal is necessary.

3. Objectives

These objectives must reflect measurable evaluation criteria. Reference should be made to the anticipated changes in the instructional program that are a result of resources acquired in this project for participating public and nonpublic schools. There should be two or three objectives for each program goal.

4. Activities

Specific activities, procedures, or instructional methods to be used to attain each objective should be listed. Activities should be appropriate for the objectives of the proposal. If any funds are budgeted under travel, other expenses, or contracted services, your activities should reflect this. Justification for out-of-state travel is necessary.

5. Evaluation Criteria

For <u>each</u> objective, a specific method and standard to be used in evaluating that objective should be stated. Examples of evaluation criteria, are as follows: surveys on questionnaires to show pupil attainment, surveys to show teacher attitudes, pupil scores on paper-and-pencil tests of either the teacher-made or the standardized subject matter variety, direct observation of learners, random questioning of students, pre- and post-testing, and so forth.

NARRATIVE

LEA:_____

A.Give a description of each targeted assistance program to be funded.

_____

B.Give reasons for the selection of each targeted assistance program.

_____

C. Describe how assistance under this chapter will contribute to the goals of the program of improving student achievement or improving the quality of education for students.

_____

PLEASE USE EXTRA PAGES IF ADDITIONAL SPACE IS NEEDED.

ACTION AND EVALUATION PLAN
Chapter 2

Overall Program Goal:_____
_____
_____

Objective _____ is:_____
_____
_____

Activities for this objective include:

Person(s) responsible:_____

Evaluation criteria for this objective are:

Person(s) responsible:_____

Person(s) responsible for writing the evaluation report for this Overall Program Goal:

_____

Use additional sheets as needed for each Overall Program Goal.

EXAMPLE

ACTION AND EVALUATION PLAN
Chapter 2

Overall Program Goal: *Teachers and students will use computers as an instructional aid in math, science, guidance and counseling.*

Objective A is: *Teachers will receive training in the instructional use of computers.*

Activities for this objective include:

1. inservice programs for teachers and administrators in the instructional use of computers;

2. teacher enrollment in microcomputer courses for college credit; and

3. PIPS points given to teachers who complete instruction in basic computer study.

Person(s) responsible: Inservice committee
Evaluation criteria for this objective are:

1. number of participating schools with teachers receiving instructional computing inservice training;

2. number of teachers in each area (math, science, guidance and counseling) receiving a computer related inservice training;

3. hours of computer related college training received by each teacher;

4. description of content of computer related college training; and

5. teacher ratings of the value of the computer related college training.

Person(s) responsible: *Chapter 2 contact person*
Person(s) responsible for writing the evaluation report for this overall Program Goal: *Chapter 2 contact person*

Use additional sheets as needed for each Overall Program Goal.

EXAMPLE

ACTION AND EVALUATION PLAN
Chapter 2

Overall Program Goal: *To improve mathematics achievement and interest of students in all schools, grades K-12*

Objective A is: *The mathematics curriculum will be revised to meet the needs of all students, K-12, and additional courses or course modifications will be recommended.*

Activities for this objective include:

1. analysis of test data student grades, attendance records and progress reports to determine the instructional needs of students (report to curriculum committee); and

2. development of a new math curriculum, based on analysis, by curriculum committee with the assistance of curriculum consultant and elementary, middle and secondary teachers.

Person(s) responsible: Curriculum committee, classroom teachers
Evaluation criteria for this objective are:

1. analysis report;

2. minutes of curriculum committee, list of members;

3. minutes of ad hoc and additional meetings including those with the consultant(s) and teachers and a list of participants;

4. list of activities (major and minor) used to develop the new curriculum; and

5. participant ratings or evaluator's interview results on the curriculum development process, the analysis, and the final curriculum product.

Person(s) responsible: Chapter 2 contact person
Person(s) responsible for writing the evaluation report for this Overall Program Goal:

Chapter 2 contact person

Use additional sheets as needed for each Overall Program Goal.

EXAMPLE

ACTION AND EVALUATION PLAN
Chapter 2

Overall Program Goal: *Teachers and students will use computers as an instructional aid in math, science, guidance and counseling.*

Objective B is: *Students will participate in computer assisted instruction.*

Activities for this objective include:

1. adoption to receive computer assisted instruction in math and science

2. student practice in writing programs;

3. student use of computers in career guidance; and

4. student use of computers in counseling.

Person(s) responsible: *Subject area teachers*
Evaluation criteria for this objective are:

1. number of class hours of computer assisted instruction for each school by subject area (math, science, guidance or counseling);

2. number of students receiving computer assisted instruction for each school by subject area (math, science, guidance or counseling);

3. rating of effectiveness of computer use in each subject area or objective data reflecting effectiveness of computer use; and

4. list of content of lessons in each subject area in which computers were used.

Person(s) responsible: *Subject area teachers*
Person(s) responsible for writing the evaluation report for this overall Program Goal: *Chapter 2 contact person*

Use additional sheets as needed for each Overall Program Goal.

EXAMPLE
ACTION AND EVALUATION PLAN
Chapter 2

Overall Program Goal: *To improve mathematics achievement and interest of students in all schools, grades K-12.*

Objective B is: *Mathematics teachers will teach the content of the new curriculum using effective teaching strategies and techniques.*

Activities for this objective include:

1. demonstrations and training sessions by key teachers to increase teaching effectiveness based on assessed needs and requests for assistance;

2. development of "teacher groups" to share, problem solve and provide feedback to the central office; and

3. monitor progress of teacher effectiveness through tracking student progress, teacher group meetings, supply and material requests, and student achievement recognition.

Curriculum committee, key teachers,
Person(s) responsible: *teachers, supervisors, principals*
Evaluation criteria for this objective are:

1. evaluation report based on observation and/or participant survey of demonstrations and training sessions;

2. minutes and schedule of teacher group meetings and paper documentation of disposition of central office feedback;

3. all monitoring records including student progress, student recognition, material requests and approvals; and

4. names and monitoring duties of individuals responsible.

Monitors, evaluator, key teachers
Person(s) responsible: *teachers; supervisors, principals*
Person(s) responsible for writing the evaluation report for this Overall Program Goal:

Mr. Callimar, an external evaluator

Use additional sheets as needed for each Overall Program Goal.

EXAMPLE
ACTION AND EVALUATION PLAN
Chapter 2

Overall Program Goal: *To improve mathematics achievement and interest-of students in all schools, grades K-12.*

Objective C is: *The testing program will be aligned with the curriculum objective so that students are tested on what has been taught with the new curriculum.*

Activities for this objective include:

1. selection or development of 7-8 criteria tests;

2. selection or development of exit tests for grades 9-12; and

3. assessment of needed changes for the K-6 testing program.

Person(s) responsible: curriculum committee, teacher groups
Evaluation criteria for this objective are:

1. meeting minutes of these topics;

2. descriptions of test selection or development processes (3); (Note: May be accomplished by interviews done by Mr. Callimar)

3. copies of the old and new tests or criteria.

Person(s) responsible: curriculum committee, teacher groups
Person(s) responsible for writing the evaluation report for this Overall Program Goal:

Mr. Callimar, an external evaluator

Use additional sheets as needed for each overall Program Goal.

EXAMPLE
ACTION AND EVALUATION PLAN
Chapter 2

Overall Program Goal: *To improve mathematics achievement and interest of students in all schools, grades K-12.*

Objective D is: A management system will be implemented to monitor the progress of students at all grade levels.

Activities for this objective include:

1. classroom observations reviewing student progress at the end of each reporting period;

2. update and make student records available to principals, supervisors and parents;

3. ensure that students successfully master new skills or concepts before progressing to the next level; and

4. send school progress reports to parents and the LEA superintendent.

Person(s) responsible: curriculum committee, teacher groups
Evaluation criteria for this objective are:

1. classroom observation reports;

2. student records that are available to principals, supervisors and parents;

3. description of system used to ensure that students successfully master new skills;

4. dissemination dates and names of person(s) receiving school progress reports; and

5. copies of school progress reports.

Person(s) responsible: curriculum committee, teacher groups
Person(s) responsible for writing the evaluation report for this Overall Program Goals:

Mr. Callimar, an external evaluator

Use additional sheets as needed for each Overall Program Goal.

EXAMPLE
CHAPTER 2 EVALUATION REPORT
HAMILTON PARISH
JUNE 6, 1990

The overall program goal was: "Teachers and students will use computers as an instructional aid in math, science, guidance and counseling." Two objectives were attached to this overall program goal. The effectiveness of the activities designed to meet these two objectives is discussed below:

First Objective: "Teachers will receive training in the instructional use of computers."

A major activity to meet this objective was a three-day inservice session on computer assisted instruction (CAI) provided by two members of the Education Department of Oliver College. The instruction consisted of two hours of lecturing each day, five hours of project work on computers each day, and several question-and-answer sessions. Twenty-eight teachers and two administrators from all participating schools, eight public and two nonpublic, were represented at the session. However, guidance and counseling staff were not well represented. (Less than half of the schools sent any teachers from these two areas.) Inservice participants were asked to rate the value of the training on the following criteria: 1) knowledge of the instructions, 2) appropriateness of inservice content, 3) quality of handouts and other materials, and 4) overall quality. Space was also allowed for comments. The rating possibilities were from one (poor) to five (excellent). The average scores were:

1) knowledge of the instructors.....3.78
2) appropriateness of inservice content.....2.16
3) quality of handouts and other materials.....4.66
4) overall quality 3.10

Comments from the few guidance and counseling instructors reflected disappointment in the lack of coverage for their topic areas. The inservice instructors specialized in "computer assisted instruction" and knew of no such software that dealt with guidance and counseling. Comments from math and science teachers were more positive and enthusiastic.

In addition to the inservice session, six teachers (four math and two science) took college credit courses in computing during the year. One of the math teachers was from a nonpublic school. These teachers were asked to rate the value of the college instruction on the same forms as used in the inservice training. The results were:

1) knowledge of the instructors.....4 33
2) appropriateness of inservice content.....4:26
3) quality of handouts and other materials.....4.66
4) overall quality 4.84

Three of these teachers received instruction specific to computer assisted instruction and rated their course work much higher than the other teachers did. One of the other teachers took a course on BASIC program and the other two teachers received instruction in "computer literacy." No teachers obtained PIP credits for computer inservice training.

Second Objective: "Students will participate in computer assisted instruction."

Only a limited amount of software was purchased prior to the November inservice session, and none of it was considered by inservice instructors to be strictly computer assisted instruction software. Computer assisted instruction software packages in math and science were purchased midyear. It took several weeks for the teachers and students to learn the new packages. By then, there were only 72 days of instruction left in the year. During this period, however, 1,438 students in 32 classes received computer

assisted math instruction in many areas ranging from simple addition to algebra and geometry. Twenty-one of the classes used CAI for three hours per week, and eleven used CAI two hours per week. Teachers were asked to rate the usefulness of the CAI in student motivation and instructional effectiveness in math on a scale of one (poor) to five (excellent). The average rating for motivation was 4.58. The average rating for instructional effectiveness was 4.08. The average rating for just those classes that received two hours of CAI was higher--4.79 for motivation and 4.52 for instructional effectiveness.

With respect to science, 838 students in 24 classes received computer assisted instruction during the same period. Content areas were wide ranging. Lessons were provided in chemistry, physics, and biology. Twelve of the science classes used CAI for three hours per week, eleven used CAI two hours per week, and one class once per week. Science teachers were also asked to rate the usefulness of science CAI in student motivation and instructional effectiveness on a scale of one (poor) to five (excellent). The average rating for motivation was 4.23. The average rating for instructional effectiveness was 3.78. Again, the averages for those classes that received two hours of CAI or less were higher than those receiving three hours per week. The ratings were 4.68 for motivation and 4.28 for instructional effectiveness.

As stated earlier, no CAI software was found for guidance and counseling. One school, however, used two software packages in its counseling and guidance program. One assisted students in clarifying career goals. (The other simulated a psychologist, which students seemed to enjoy.) Although neither of activities was rated, the teachers involved reported that these programs were very useful.

Following the inservice session, only two math teachers pursued the teaching of computer programming in their classes. Instead of rating these classes, these teachers were asked to

submit short reports about their experiences. Both teachers mentioned that the children seemed to learn and enjoy programming. However, both teachers also expressed concern that teaching "programming," per se, was not as effective as computer assisted instruction in math skills.

Conclusions:

Computer assisted instruction in math and science appears to be effective in student motivation and instruction. This effect seems to be greater in classes that use CAI only twice per week as opposed to those that use CAI three times a week. This should be taken into account in planning for next year.

Inservice and college level instruction on CAI was beneficial to staff and the overall program goal in the areas of math and science. College instruction on BASIC programming and computer literacy did not seem to be effective for the overall program goal. No effective teacher training was found for the areas of guidance and counseling.

The two inservice instructors from Olivier College provided needed clarification on the instructional potential of computers in math and science. The same sort of potential does not seem to exist for the areas of guidance and counseling. However, two guidance and counseling packages were found to the useful, if not strictly "instructional." From discussions with guidance and counseling staff, one would infer that this should be explored next year. The possibility of inservice training on computer use specific to guidance and counseling might also be explored next year.

Finally, it should be noted that sources were found for computer assisted instruction in the areas of language, social science, geography and music. In addition to the recommendations expressed in the above conclusions, an attempt to include these new content areas in the project should be made in the future.

ASSURANCES
FOR NONPUBLIC SCHOOLS
(Necessary with initial application only)

1. Assurance is given that all activities and expenditures of funds conducted under this Act are in direct compliance with the provisions of Chapter 2.

2. Assurance is given that expenditure of funds under Chapter 2 is for the purpose of meeting the educational needs within the schools of the agency.

3. Assurance is given that the funds used under this Chapter shall be utilized and allocated only so as to supplement and to the extent practical, increase, the level of funds that would, in the absence of federal funds made available under this Chapter, be made available from nonfederal sources, and in no case will such funds be used so as to supplant funds from nonfederal sources.

4. Assurance is given that the Local Education Agency through which Chapter 2 funds are distributed shall be afforded the opportunity, as may reasonably be required by Consolidated Educational Programs for reporting purposes, to monitor for evaluation of all projects and programs.

5. Assurance is given that in allotment of funds for programs authorized under Chapter 2 and in the design, planning, and implementation of programs, provisions will be made for systematic consultation with parents of children attending such schools, with teachers and administrative personnel, and with other groups as deemed appropriate. Further assurance is given that evidence of these consultations will be provided during onsite visitations or when deemed necessary by the Local Educational Agency and/or by the State Educational Agency.

6. Assurance is given that records will be kept and information provided to the Local Educational Agency and/or the State Educational Agency as may be required for fiscal audit and program evaluation.

7. Assurance is given that Chapter 2 activities, equipment, and materials will only be used for secular, neutral and nonideological purposes.

Public Law 100-297, Chapter 2

_____
Date

_____
Legal name of applicant

_____
Signature of authorized representative

_____
Representative's title

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

10/26/89 Exhibit 33 To Plaintiffs' Memorandum In Reply To Defendants' And Intervenors' Motion For Summary Judgment, Document Number 186 On District Court Docket

6/17/88 School Equipment Items Page 1

Item	Unit Cost	Quantity	Total Cost
Archbishop Chapelle High			
Panasonic Printer KXP1124	493.00	2	986.00
Video cassette recorder/player, VHS Sears 53295	249.00	1	249.00
Zenith Data Systems Z-157 XT Computer	1,394.48	1	2,685.00
Television 25" color cable ready	341.00	2	682.00
Total School Expenditure for Equipment			$5,710.48
Archbishop Shaw High School			
IBM PS/2 Computer Model 60, 8560-041	3,177.00	1	3,177.00
IBM 8503-001 Mono Display	150.00	1	150.00
Proprinter II (4201-002)	357.00	1	357.00

Item	Unit Cost	Quantity	Total Cost
IBM 5.25" External Diskette Drive	294.80	1	294.80
ZZEM007 Bar Code Wand	250.00	1	250.00
Total School Expenditure for Equipment			$4,228.80
Chinchuba Institute			
Tutorette Audiocard Reader, Model 810A	125.95	1	125.95
Total School Expenditure for Equipment			$ 25.95
Christ the King School			
Manual Filmstrip Projector, Dukane 28A33	109.00	3	327.00
Phonograph, Classroom – Califone 1420-K	102.00	3	306.00
Television 19" color with remote, Sears 42411	244.00	3	732.00
Video Cassette Recorder/Player, VHS Sears 53295	249.00	3	747.00
Tripod for camera, video & 35mm Hollywood Propod III	131.63	1	131.63
Total School Expenditure for Equipment			$1,916.63

Item	Unit Cost	Quantity	Total Cost
Faith Lutheran School			
Phonograph, Classroom – Califone 1420-K	102.00	2	204.00
Cassette Tape Recorder/Player, Auditorium Over 8 watts, Sharp RD 680 AV	192.99	1	192.99
Total School Expenditure for Equipment			$ 396.99
Hope Haven/Madonna Manor			
Television 19" color with standard tuner – Zenith D-1914W	219.00	1	219.00
Video Cassette Recorder/Player, VHS Sears 53295	249.00	1	249.00
Total School Expenditure for Equipment			$ 468
Immaculate High School			
Cassette Tape Recorder/Player, over 8 watts, auditorium, Sharp RD 680 AV	192.99	1	192.99
Television 25" color cable ready Zenith D2500W	341.00	1	341.00

Item	Unit Cost	Quantity	Total Cost
Video Cassette Recorder/Player, VHS Sears 53295	249.00	1	249.00
Audio Visual Table 54" w/tiltable top & safety strap, Garrett GAV – 54A	264.90	1	264.90
IBM PS/2 Model 30 computer, 8530-002	1,017.00	1	1,017.00
IBM 8512-001 Color Display	357.00	1	357.00
IBM Proprinter X24 (4207-001)	479.00	1	479.00
Total School Expenditure for Equipment			$2,844.25
Immaculate Conception			
Sound Filmstrip Projector, Appollo SF300	372.66	2	745.32
Phonograph, Classroom, Califone 1420-K	102.00	2	204.00
Video Cassette Recorder/Player, VHS Sears 53295	249.00	1	249.00
Video Cassette Recorder/Player ½" BETA – Sony SL 300	370.00	2	740.00
A2P170/A Apple IIe Classroom Color System	960.00	2	1,920.00
107 Apple 5.25 Drive	199.00	1	199.00

Item	Unit Cost	Quantity	Total Cost
A9P0331 ImageWriter II w/Apple IIe cable and super serial card	486.50	1	486.50
Total School Expenditure for Equipment			$4,324.14
Kehoe-France School			
A2P2172/A Apple IIe 128K Starter System	815.00	5	4,075.00
Total School Expenditure for Equipment			$4,075.00
Lutheran High			
Video Camcorder, VHS – Sears 5374	835.00	1	835.00
Total School Expenditure for Equipment			$ 835.00
Metairie Park Country Day			
Video Cassette Recorder/Player – VHS Sears 53295	249.00	2	498.00
Apple IGS Professional System/A2P6014	1,210.00	2	2,420.00
Dukane Micromatic II Automatic Sound Filmstrip Projector (LO-78858)	480.00	2	950.00
Total School Expenditure for Equipment			$3,868.00

Item	Unit Cost	Quantity	Total Cost
Our Lady of Divine Providence			
A2P21262/A Apple IIe Professional System (2 drives)	1,015.00	1	1,015.00
A9P0331 ImageWriter II w/Apple IIe cable and super serial card	493.80	1	493.80
Total School Expenditure for Equipment			$1,508.80
Our Lady of Perpetual Help			
Commodore 15412 Disk Drive	199.00	9	1,791.00
Commodore Monitor 1802	219.00	6	1,314.00
Total School Expenditure for Equipment			$3,105.00
Our Lady of Prompt Succor			
Video Cassette Recorder/Player – VHS Sears 53295	249.00	2	249.00
Total School Expenditure for Equipment			$ 249.00
Ridgewood Preparatory School			
Remote Control Filmstrip Projector Dukane 28A56A	173.00	1	173.00

Item	Unit Cost	Quantity	Total Cost
Carousel Slide Projector, Remote Control w/Zoom Lens – Ektographic III A.T.S.	557.00	1	557.00
Television – 19" color w/remote Sears 42411	244.00	3	732.00
Video Camcorder, VHS, Sears 5374	835.00	1	835.00
Total School Expenditure for Equipment			$2,281.41
Riverside School (LTI)			
Television 25" color cable ready Zenith D2500W	341.00	1	341.00
Video Cassette Recorder/Player VHS Sears 53295	249.00	1	249.00
Total School Expenditure for Equipment			$ 590.00
Salem Lutheran School			
Television 19" color w/remote Sears 42411	244.00	1	244.00
A2P2170/A Apple II Classroom Color	960.00	1	960.00
Total School Expenditure for Equipment			$1,204.00

Item	Unit Cost	Quantity	Total Cost
St. Agnes School			
Sound Filmstrip Projector, Appollo SF300e 28A56A	372.66	2	745.32
Phonograph, Classroom, Califone 1420-K	102.00	2	306.00
Cassette Tape Recorder/Player, over 8 watts, auditorium, Sharp RD 680 AV	192.99	2	385.98
Total School Expenditure for Equipment			$1,359.62
St. Anthony School			
Television 19" color w/standard tuner Zenith D-1914W	219.00	2	438.00
Video Cassette Recorder/Player, VHS Sears 53295	319.98	1	319.98
A2P2170/A Apple IIe Color Classroom System	974.40	1	974.40
Total School Expenditure for Equipment			$1,661.40

Item	Unit Cost	Quantity	Total Cost
Benilde School			
Phonograph, Classroom, Califone 1420-K	102	1	102.00
Cassette Tape Recorder/Player, Sync Programmer, Sharp RD 685 A/v	319.98	1	319.98
Audio Visual Table 54" w/tiltable top & safety strap, Garrett GAV – 54A	264.90	1	264.90
A2P2170/A Apple IIe Color Classroom System	974.40	1	974.40
Total School Expenditure for Equipment			$1,541.76
St. Catherine of Siena School			
A2P2170/A Apple IIe Color Classroom System	974.40	2	1,948.80
Phonograph, Classroom, Califone 1420-K	102.00	1	102.00
Video Cassette Recorder/Player, VHS Sears 53295	249.00	3	747.00

Item	Unit Cost	Quantity	Total Cost
Listening Center w/8 headphone s(2924C) & volume controls, HP100-1218-2924	131.95	5	659.75
Total School Expenditure for Equipment			$3,457.55
St. Clement of Rome School			
Sound Filmstrip Projector, Appollo SF-300	333.82	1	333.82
Cassette Tape Recorder, Player, Auditorium	192.99	1	192.99
Overhead Projector, Buhl 90/12 XT	135.34	3	406.02
Television 19" color w/standard tuner Zenith D-1914W	219.00	2	438.00
Video Cassette Recorder/Player, VHS Sears 543295	249.00	1	249.00
Total School Expenditure for Equipment			$1,619.83
St. Cletus School			
Overhead Projector, Buhl 90/12 XT	135.34	5	676.70
Television 19" color w/standard tuner Zenith D-1914W	219.00	10	2,190.00
Total School Expenditure for Equipment			$2,866.70

Item	Unit Cost	Quantity	Total Cost
St. Edward the Confessor			
Television 25" color cable ready Zenith D2500W	341.00	3	1,023.00
Video camcorder, VHS, Sears 5374	835.00	1	835.00
Video cassette recorder/player, VHS Sears 53295	249.00	3	747.00
Audio Visual Table 54" w/tiltable top & safety strap, Garrett GAV – 54A	264.90	3	794.70
Tripod for camera, video & 35mm Hollywood Propod III	131.63	1	131.63
Total School Expenditure for Equipment			$3,351.41

Item	Unit Cost	Quantity	Total Cost
St. Elizabeth Ann Seton			
Remote control filmstrip projector Dukane 28A56A	173.00	3	519.00
Overhead Projector, Buhl 90/12 XT	135.34	3	406.02
Television 25" color cable ready Zenith D2500W	341.00	1	341.00
Video Cassette Recorder/Player, VHS Sears 53295	249.00	1	249.00
Card reader w/boom mike, headset B&H 1757BW	310.80	1	310.80
Total School Expenditure for Equipment			$1,809.05
St. Joseph School			
A2P2170-A Apple IIe Color Classroom System	947.40	2	1,948.80
Total School Expenditure for Equipment			$1,948.80

Item	Unit Cost	Quantity	Total Cost
St. Lawrence the Martyr			
Cassette Tape Recorder/Player, over 8 watts, auditorium, Sharp RD 680 AV	192.99	1	192.99
A2P2170/A Apple IIe Color Classroom System	960.00	2	1,920.00
A9P0331 ImageWriter II w/IIe cable and super serial card	486.50	2	486.50
Total School Expenditure for Equipment			$2,599.49
St. Louis King of France			
Commodore Memory Expanders 1724 (25 BK)	139.00	2	278.00
Seal Laminator 925-RL	999.00	1	999.00
Commodore Disk Drive 1541	199.00	3	597.00
Video Cassette Recorder/Player. VHS Sears 52395	249.00	2	498.00
Total School Expenditure for Equipment			$2,372.00

Item	Unit Cost	Quantity	Total Cost
St. Mary Magdalene School			
IBM Computer X30 – 8530 – Model 021	1,377.00	1	1,377.00
IBM Pro Printer XL, Model 1 – 4202	479.00	1	479.00
Phonograph, Classroom, Califone 1420-K	102.00	2	204.00
Overhead Projector, Buhl 90/12 XT	135.34	2	270.68
Television 25" color cable ready Zenith D2500W	341.00	2	682.00
Video Cassette Recorder/Player, VHS Sears 53295	249.00	2	498.00
Total School Expenditure for Equipment			$3,510.68
St. Matthew the Apostle			
Cassette Tape Recorder/Player, over 8 watts, auditorium, Sharp RD 680 AV	192.99	1	192.99
Television 25" color cable ready Zenith D2500W	341.00	1	341.00
Video Camcorder, VHS, Sears 5374	835.00	1	835.00

Item	Unit Cost	Quantity	Total Cost
A2P6015 Apple II GS 512K Professional System	1,389.00	1	1,389.00
Total School Expenditure for Equipment			$2,747.99
St. Martin Episcopal School			
IBM Computer PS/2 Model 60, 8560-071 (Savings)	3,477.00	1	3,477.00
IBM Color Display 8513-001, 12"	411.00	1	411.00
IBM Proprinter XL24, 4208-001 (Increase)	720.00	1	720.00
IBM 5.25" External Diskette Drive	294.80	1	294.80
IBM 3001 PS/2 80287 Math Co-Processor	315.00	1	315.00
IBM 3033 Dual Asynchronous Adapter/A	126.00	1	126.00
Total School Expenditure for Equipment			$5,552.80

Item	Unit Cost	Quantity	Total Cost
St. Philip Neri School			
Television 19" color w/standard tuner Zenith D-1914W	219.00	8	1,752.00
Video Cassette Recorder/player, VHS Sears 53295	249.00	8	1,992.00
Total School Expenditure for Equipment			$3,744.00
St. Rosalie School			
Television 25" color cable ready Zenith D2500W	341.00	1	341.00
Video Cassette Recorder/Player, VHS Sears 53295	249.00	2	498.00
Tripod for camera, video & 35mm Holly Propod III	131.63	1	131.63
Total School Expenditure for Equipment			$ 970.63
Visitation of Our Lady			
A2P2170 Apple IIe Color Classroom System	960.00	4	3,840.00
A9P0331 ImageWriter II w/Apple IIe cable and super serial card	486.50	1	486.50
Total School Expenditure for Equipment			$4,326.50

Item	Unit Cost	Quantity	Total Cost
Westbank Cathedral Academy			
Television 19" color w/standard tuner Zenith D-1914W	219.00	1	219.00
Video Cassette Recorder/Player, VHS Sears 53295	249.00	1	249.00
Apple IIe Memory Expansion, A2B2086	162.70	2	325.40
Total School Expenditure for Equipment			$ 793.40

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

03/27/90 Order And Reasons – *Helms v. Cody*, 1990 WL 36124 (E.D. La. Mar. 27, 1990) – is reprinted beginning at page 137a of the Appendix to the Petition for a Writ of Certiorari filed in this matter April 13, 1999 ("Pet. App.") and is Document Number 220 on the District Court Docket.

07/25/94 Order and Reasons and Judgment – *Helms v. Arveson*, 1994 WL 406406 (E.D. La. Jul. 25, 1994) – is reprinted beginning at Pet. App. 119a and is Document Numbers 373 and 374 on the District Court Docket.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

4/12/95 Attachments To State Defendants' Response Regarding The Auditing Of The Reimbursement Of Required Costs Program And Request For Court Order (excerpts), Document Number 423 On District Court Docket

Jefferson Parish Public School System

Book Order Page 2 of 4 pages

Parish: Jeff Parish
School: St. Agnes School
School Allotment: $1581.25
Date: 5/22/92

Pub'shr	Author	Title	No. of Copies	Ext'nsion
	Goenel	The Circus	1	15.00
	Greenfield	Night on Neighborhood Street	1	13.89
	dePaola	Patrick, Saint of Ireland	1	15.95
	Grimm	The Travelling Musicians of Breman	1	13.95
Firefly	Stinson	Sometimes Big, Sometimes Little	1	4.95
Firefly	Stinson	Red is the Best	1	4.95
	Fleming	North American Indians in Early Photos	1	15.95

Pub'shr	Author	Title	No. of Copies	Ext'nsion
Checker board	Aesop Fables		1	6.95
	Reg.	Curious George and the Dinosaur	1	7.05
	Lehr	The Shining Ghost of Riversend	1	12.95
	Wright	The Scariest Night	1	13.95
	Lutzeier	The Coldest Winter	1	13.95
	Friedman	The Wright Brothers: How They Invented the Airplane	1	16.95
	Eisher	Ellis Island	1	13.95
Putnam	Eric Carlo	Dragons	1	13.27
	St. Piere	When a Parent is Out of Work	1	12.95
	Ruby	Costumes in Context: Medieval Times	1	19.95
	Kalmos	We Celebrate Easter	1	15.95
Chrstsn Press		Challenge of Space	1	12.95
	Kallen	Civil Rights Movement	1	12.95
	Ames	Draw 50 Athletes	1	12.95
	Ames	Draw 50 Holiday Decorations	1	12.95

Pub'shr	Author	and Title	No. of Copies	Ext'nsion
	Warner	Boxcar Children	1	3.50
	Girard	Adoption is for Always	1	10.95
	Girard	At Daddy's on Saturdays	1	12.95
	NklaiLisa	1, 2, 3 Thanksgiving	1	12.95
	Stanek	All Alone After School	1	10.95
	Levine	Silly School Riddles and Other Classroom	1	8.95
	Brown	Belva Lockwood Wins Her Case	1	10.50
	Kieffer	Wedding Days	1	12.95
	Cooper	Skyscrapers	1	8.95
	Stone	Kangaroo	1	8.95
	Frisch	Hamsters	1	10.95
	Chm'lwsk	Riddles	1	9.50
	Bordan	Base Stealer	1	11.95
	Craven	Jaguar	1	11.50
	Cohlene	Ka-Ha Si and the Loon	1	14.95
	Matthews	Gunfighters	1	12.95
	Carrick	Wood	1	10.95
	Stone	Rain Forests	1	10.95
		TOTAL	40	479.6

Jefferson Parish Public School System

Book Order Page 1 of pages

Parish: Jefferson
School: St. Agnes
School Allotment: $714.32
Date: 12/28/92

Publisher	Author	and Title	No.	Extension
Pelican Publishing	Rice	Cajun Night Before Christmas	1	14.95
	Rice	Gaston the Green-Nosed Alligator	1	14.95
Chronicle Publications	Chronicle of the 20th Century [crossed out]		1	49.95
	Chronicle of America [crossed out]		1	49.95
Facts on File	Encyclopedia of Aquatic Life [crossed out]		1	40.75
	Encyclopedia of Birds [crossed out]		1	40.75
	Encyclopedia of Insects [crossed out]		1	40.75
Aims Media	Busted		1	49.95
	Doing Time: Inside the Walls		1	49.95
	People: Different but Alike		1	49.95
	I'm Somebody Special		1	49.95
Library Video Company	Ransom of Red Chief (k3133) (ABC)		1	12.95
	Haunted Mansion Mystery (K3150)		1	12.95
	An American Tail (K5088)		1	19.95
	Animals in Action - Spiders (k4426)		1	14.95

Publisher	Author and Title	No.	Extension
	Baby Birds (k4432)	1	14.95
	Berenstein Bears Too Much Birthday (K2595)	1	9.95
	Rudolph (K500)	1	14.95
	T'was the Night Before Christmas (k500)	1	14.95
	Alice in Wonderland (5021) (CTS)	1	7.95
	Horton Hears a Who (2578)	1	9.95
	A Dog of Flanders (K0302), 1959	1	14.95
	Madalaine (K0715)	1	9.95
	David and Goliath (K4712)	1	9.95
	Nativity (K4717)	1	14.95
	Old Yeller (K0890)	1	14.95
	You're a Good Sport, Charlie Brown (K2886)	1	19.95
	Casey at the Bat (0141)	1	19.95
	Treasure Island (k0891)	1	19.95
	Anne of Green Gables, 1987 (M0805)	1	29.95
	Little Women, 1949 (M0225)	1	19.95
	Tell-tale Heart (1971 (M1724)	1	24.95
	TOTAL	37	786.80

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

01/28/97 Order and Reasons and Judgment – *Helms v. Cody*, 1997 WL 35283 (E.D. La. Jan. 28, 1997) – is reprinted beginning at Pet. App. 79a and is Document Numbers 488 and 489 on the District Court Docket.